

Also, petition of the American Powder Association, of New York, favoring House bill No. 12973, for pure-food legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Simon Lake, of New York, in relation to the purchase of additional submarine boats for the Navy—to the Committee on Naval Affairs.

By Mr. ZENOR: Sundry affidavits to accompany House bill No. 2478, for the relief of Aaron M. Applegate—to the Committee on Claims.

## SENATE.

MONDAY, January 28, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BUTLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### TRANSFER OF OBSOLETE ORDNANCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Secretary of the Interior, together with copies of correspondence, recommending legislation permitting the transfer from the War Department to the Interior Department for use in Indian training schools all such rifles or guns of obsolete pattern as may no longer be needed for Army purposes, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

### BALTIMORE HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a concurrent resolution of the 21st instant, a letter from the Chief of Engineers, United States Army, together with the copy of a report from the local engineer officer, Lieut. Col. O. H. Ernst, Corps of Engineers, relative to the estimate of the cost of deepening the channel of Curtis Bay, Baltimore Harbor, Maryland; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

### EDUCATION IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 19th instant, copies of the report of General MacArthur and accompanying report of military officers performing educational work on the subject of education in the Philippine Islands; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

### CREDENTIALS.

Mr. JONES of Arkansas presented the credentials of JAMES H. BERRY, chosen by the legislature of the State of Arkansas a Senator from that State for the term beginning March 4, 1901; which were read and ordered to be filed.

Mr. CULBERSON presented the credentials of JOSEPH W. BAILEY, chosen by the legislature of the State of Texas a Senator from that State for the term beginning March 4, 1901; which were read and ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. DALZELL, Mr. GROSVENOR, and Mr. RICHARDSON of Tennessee members of the committee on the part of the House to make the necessary preparations for the celebration of the one hundredth anniversary of the day when John Marshall became Chief Justice of the Supreme Court of the United States.

The message also transmitted to the Senate the resolutions of the House commemorative of the life and public services of Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

### AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the following cable message from Manila. The Secretary will read it to the Senate.

The Secretary read as follows:

MANILA, January 27, 1901.

PRESIDENT OF SENATE and SPEAKER OF HOUSE,  
Washington:

Accessions to Federal party by thousands in all parts of the archipelago. Attitude of hitherto irreconcilable press and general public opinion show that labors of party to bring peace will soon be crowned with success. Until now political parties have attempted formation on plans more or less questioning American sovereignty. Our platform makes main plank sovereignty United States, with liberty to each citizen to pursue peacefully his political ideals. Hour of peace has sounded, for on our platform are grouped many Filipinos of hitherto irreconcilable ideas, but some more obstinate decline to

join, for though willing to accept sovereignty of United States, prospect of indefinite continuance of military government makes them distrust purposes of the United States and delays their submission. Adjournment of present Congress without giving President authority to establish purely civil government, with usual powers, and postponement for at least year of such government, until new Congress, will certainly confirm this distrust. Directory Federal party believes conferring such authority on President would inspire confidence, hasten acceptance sovereignty of Union and coming of peace. Directory therefore prays both Houses of Congress to authorize President McKinley to establish civil government whenever he believes it opportune.

FRANK H. BOURNS,  
DR. PARDO DE TAVERO,  
FLORENTINO TORRES,  
AMBROSIO FLARES,  
JOSE NER,  
TOMAS DEL ROSARIO,  
C. S. ARELLANO,  
Directory of Federal Party.

The PRESIDENT pro tempore. The communication will be printed and referred to the Committee on the Philippines.

### PETITIONS AND MEMORIALS.

Mr. KYLE presented a petition of the Commercial Club of Sturgis, S. Dak., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Club of Sturgis, S. Dak., praying that an appropriation be made for the construction of reservoirs to aid in reclaiming arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. DEBOE presented a petition of sundry citizens of Prestonsburg, Ky., praying that one of the Federal courts proposed in the bill to divide the State of Kentucky into two judicial districts be established at Catlettsburg, in that State; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry gaugers, storekeepers, and storekeeper-gaugers of the Fifth collection district of Kentucky, praying for the enactment of legislation to amend the provisions of the statute, as recommended in the annual report of the Commissioner of Internal Revenue for the year 1900, to provide such additional appropriation for payment of officers of this class as will admit of granting a leave of absence with pay for two and one-half days for each month of thirty days that they are actually assigned to duty, and that they be allowed to claim in their pay accounts the maximum rate of pay allowed them under their assignment for such days as they may be granted leave, etc.; which was referred to the Committee on Finance.

Mr. TELLER presented a petition of sundry citizens of Pueblo, Colo., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. QUABLES. I present a joint resolution of the legislature of Wisconsin, relative to the indemnity swamp-land claim of the State of Wisconsin against the United States. I ask that the joint resolution lie on the table and that it be printed in the RECORD.

The joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

WISCONSIN LEGISLATURE, SENATE CHAMBER,  
Madison.

Joint resolution in the matter of the indemnity swamp-land claim of the State of Wisconsin against the United States.

Whereas a bill known as 793, Senate, was heretofore introduced by the Hon. JOHN C. SPOONER in the Senate of the United States and duly passed by that body; and

Whereas said bill is now pending and undetermined before the House of Representatives; and

Whereas said bill should be immediately enacted into law, and by its provisions the State of Wisconsin would receive indemnity for swamp lands heretofore granted to the State from the United States for a large amount: Now, therefore, be it

Resolved by the senate, the assembly concurring, That the members of the House of Representatives from the State of Wisconsin be, and they hereby are, requested to use all honorable means to procure the immediate and final passage of said bill, and that a copy of this resolution be transmitted to each of said members.

Mr. FORAKER submitted sundry papers to accompany the bill (S. 5534) for the relief of Col. Azor Nickerson; which were referred to the Committee on Military Affairs.

### BREAKWATER AT SANDY BAY, MASSACHUSETTS.

Mr. HOAR. I move that sundry letters now in the possession of the Committee on Commerce from certain naval officers of the United States relative to the breakwater at Sandy Bay, Massachusetts, be printed as a document for the use of the Senate.

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5623) granting an increase of pension to Joseph McGuckian, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on the Judiciary, to whom was

referred the bill (S. 5715) granting a charter to the General Federation of Women's Clubs, reported it with amendments.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5626) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases, to ask that that committee be discharged from its further consideration and that the bill be referred to the Committee on Foreign Relations. The Committee on Foreign Relations has had jurisdiction of that subject from the beginning.

The report was agreed to.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (S. 5593) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes, reported it with an amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. DEBOE introduced a bill (S. 5769) to correct the military record of Ebenezer Logsdon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. KYLE introduced a bill (S. 5770) granting an increase of pension to Windsor D. Clayton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 5771) for the relief of George A. Sumner and Willard B. Cawley; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE introduced a bill (S. 5772) to prevent and punish the desecration of the flag of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLARK. On behalf of my colleague [Mr. WARREN] who is unavoidably absent, I introduce a bill.

The bill (S. 5773) to amend and reenact section 2 of chapter 149 of volume 23 of the United States Statutes at Large, being an act approved February 25, 1885, entitled "An act to prevent unlawful occupancy of the public lands," was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONES of Arkansas introduced a bill (S. 5774) granting an increase of pension to Nannie S. White; which was read by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5775) to authorize the Glassport Bridge Company to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5776) for the establishment of a beacon light near Grubbs Landing, Delaware River, Delaware; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 5777) to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5778) granting an increase of pension to Michael H. Ogden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5779) granting an increase of pension to George Farne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate \$2,000 for 1 assistant assessor, \$1,600 for 1 assistant assessor, and \$1,500 for 1 chief clerk in the assessor's office, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. CHANDLER submitted an amendment giving officers of the Navy who served during the civil war and were placed on the retired list prior to March 3, 1899, the rank of the next higher grade, and providing that such officers who retired prior to June 30, 1899, shall have the same pay as officers of the Navy of the same rank who have been retired since June 30, 1899. Intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate \$10,000 to provide for 10 student interpreters at the United States legation in China, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. LODGE submitted an amendment proposing to increase the salary of the United States consul at Lourenço Marquez from

\$2,000 to \$2,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the United States minister to Ecuador from \$5,000 to \$7,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the United States minister to Bolivia from \$5,000 to \$7,500, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. SEWELL submitted an amendment proposing to appropriate \$250,000 for improving the Passaic River from Mountclair and Greenwood Lake Railroad bridge to the foot of Thirty-third street, Paterson, N. J., with a channel 10 feet deep, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALLISON. I submit an amendment proposing to appropriate \$17,225 to remit to the Iowa Iron Works, of Dubuque, Iowa, the time penalties exacted by the Navy Department under the contract of that company for the construction of the torpedo boat *Ericsson*, intended to be proposed to the naval appropriation bill.

In connection with the amendment I submit a letter from the Navy Department and certain memoranda regarding the torpedo boat *Ericsson*, built for the United States Navy by the Iowa Iron Works, of Dubuque. I move that the amendment and accompanying papers be printed and referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. STEWART submitted an amendment authorizing the Secretary of the Navy to contract for seven submarine boats of the *Holland* type, similar in design, dimensions, and other respects to the six *Holland* boats contracted for by him on August 25, 1900, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

#### THE TERRITORY OF HAWAII.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That there be printed for the use of the Senate 1,000 copies of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii."

#### REPORT OF THE PHILIPPINE COMMISSION.

Mr. FORAKER submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 copies of the Report of the Commission to the Philippine Islands, transmitted to the Senate by the President on January 25, 1901; of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 5,000 copies for the use of the War Department.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts:

An act (S. 122) to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898; and

An act (S. 3252) to establish a Branch Soldiers' Home at or near Johnson City, Washington County, Tenn.

#### THE PHILIPPINE ISLANDS.

Mr. TOWN. Mr. President, I should like to have the joint resolution introduced by me last Friday read for the information of the Senate.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

A joint resolution (S. R. 155) in favor of recognition of Philippine independence.

*Resolved by the Senate and House of Representatives of the United States in Congress assembled*, That justice, the public welfare, and the national honor demand the immediate cessation of hostilities in the Philippine Islands upon terms recognizing the independence of the Philippine people and conserving and guaranteeing the interests of the United States.

Mr. TOWNE. Mr. President, the presentation on the 10th instant, by the distinguished Senator from Colorado [Mr. TELLER], of a petition signed by more than two thousand inhabitants of the city of Manila was an unexampled and most remarkable circumstance. Whatever the future has in store, this document is historic. It is spread upon the records of the Senate. There it must remain so long as our archives are preserved. To all coming ages its mute eloquence will speak "with most miraculous organ." Either it will have proved a quickening appeal to the ancient spirit of the



Republic, or, in my opinion, its rejection must dedicate the twentieth century to a reaction prejudicial, if not fatal, to free institutions.

Who are the signers of this petition? They are peaceable tradesmen, merchants, lawyers, doctors, teachers, mechanics, and artisans at Manila. Whom do they represent? They claim to speak the sentiments and aspirations of the Philippine people. Of what do they complain? Of the assertion over them by force of arms of an alien and arbitrary rule. What nation thus asserts its power against them? The Republic of the United States of America. What is it they desire? Independence and self-government. To whom do they present their appeal? Let the answer be made in the words of the petition itself:

We have not hesitated, therefore, to present this appeal to the United States Congress, trusting that the latter may better understand the real aims and aspirations of our people. Therefore the Philippine nation, bearing in mind not only the heroic history of America, but also her sacred traditions, her humanitarian doctrines, and her democratic institutions, asks of America to cease her persecution of men struggling to be free against greater odds and greater wrongs than those which inspired the fathers of the American Republic. We ask this of Americans in the name of Washington, in the name of Jefferson, in the name of Lincoln, in the name of justice, and in the name of God eternal, Judge of the world.

Sir, I confess that this appeal moves me. What American can remain insensible to the unhappy plight of a small and relatively feeble people engaged in a hopeless contest with a vastly stronger antagonist for the sacred privilege of self-government? Is not there something infinitely pathetic in the circumstance that we should to-day be using the very power conferred upon us by our liberties to subjugate a weaker nation invoking those very liberties against us and whom our own glorious example inspires to resist our aggression? Their summons in the name of Washington, Jefferson, and Lincoln to challenge justice in the court of heaven is a most solemn adjuration. Never heretofore would the United States have hesitated to stake its cause on such an issue. Do we dare to do it now?

In my opinion, Mr. President, the prayer of this people should be granted. Not less advantage than justice, not less glory than duty, demands it. As tending to support this contention, therefore, I propose, as briefly as is consistent with the importance of the subject, and considering that attention has been heretofore repeatedly called to them in this Chamber, to review the circumstances of the origin of our interest in the Philippines, the conditions existing in the islands at that time, and the present situation there, as well as some of the arguments employed to justify both the conquest and the arbitrary government of the archipelago by the United States. I shall also endeavor to show that the present policy of the Administration involves an adoption of the programme of imperialism and militarism, toward which there has been for some years an accelerating tendency in Europe—an abandonment of the most glorious traditions of the Republic and recreancy to her noble and peculiar mission among the peoples of the earth.

In classic times, sir, long after the skeptic philosophies had ravished Olympus of its terrors and Helicon of its charms, it still remained the custom of the poets to invoke the aid of gods and muses whose existence, for both writer and reader, had become a tacit intellectual fiction. To-day a somewhat similar imputation attaches to those appeals to the nonpartisanship of their audiences which speakers on political subjects are prone to utter. Yet, sir, such an appeal I now make. I do not believe the ancient shrines are all untenanted. Many an American heart still pays its vows to the spirit of citizenship in the Republic while the altars of party "pale their ineffectual fires."

Millions of voters in this nation, I believe, still bear a fealty to their country stronger and more sacred than any duty they recognize to any political organization. Many of them at the last election, I am convinced, voted for the party in power under a misapprehension. To some the clamor of party drowned the voice of country. To others the flaunting of party banners in the similitude of the national ensign worked a temporary confusion. These two classes are dangerous to the system they have aided. If they become convinced that they have been deceived, if once they shall realize that the new course is away from the old landmarks of liberty, their vengeance will be both swift and sure.

I can not hope that my voice may reach any large number of these men, nor that, even of those who hear, many will be convinced through my imperfect utterance. But happily mine is but one of a multitude of voices raised and to be raised for justice and national honor, for the Americanism of the fathers, and for the true and perpetual glory of the country. They shall sing of industry rather than waste, of social equity rather than war, of self-government rather than arbitrary power.

Our advent in the Philippines was an incident in the war against Spain. Cuba was liberated in the Orient. Strange that the subjugation of one people should be the vicarious atonement for the freedom of another; still more inexplicable that the great Republic should proclaim the sacrifice and herself execute the bloody decree. The state of affairs which in Cuba had aroused the indig-

nant sympathy of the American people was, nevertheless, according to all the testimony, much more tolerable than that which obtained in the Philippine Islands.

There the same despotic monarchy had inflicted an even greater oppression for more than three hundred years. The burdens of taxation borne by the Filipinos, the extortions practiced upon them, the awful punishments they suffered, the wanton and bloody cruelty of which they were the constant victims; these things had scarcely been paralleled in history, and had sufficed to stir to permanent discontent and intermittent revolution a people of kindly disposition and of naturally peaceful habits. Yet these experiences had not been without their discipline. A certain self-reliance was generated, and a common suffering stimulated the latent feeling of nationality that grew into the hope, and finally into the determination, for independence.

One of the numerous insurrections in which this restlessness found expression had broken out in the summer of 1896 under the leadership of Emilio Aguinaldo. It became quite formidable and was prosecuted with some success against the Spanish troops, but at the cost of terrible suffering on the part of the natives. It resulted in the peace of Biaknabato, negotiated in December, 1897. Upon one of the incidents of this treaty has been founded an accusation against Aguinaldo, so persistent in its misrepresentation, so gratuitous in its calumny, when we consider that the official publications of our own Government contradict and destroy it, that I shall refer to it with more particularity than would otherwise be warranted.

It has been said that Aguinaldo accepted a bribe for peace; that he sold his country for a money consideration. During the last political campaign the stump rang with this easy slander. The great Administration newspapers still occasionally repeat it. I have heard it on this floor. Astounding as it may seem, even the President of the United States has given the high sanction of his character and station to this charge, notwithstanding that its absolute refutation is contained among the documents accompanying one of his own messages, and by him officially transmitted to Congress. This publication has become famous as "Document No. 62" (Senate, 55th Cong., 3d sess.). On page 421 of this volume, in a memorandum by Maj. Gen. F. V. Greene on the situation in the Philippines, under date of August 30, 1898, is the following language referring to the agreement of Biaknabato:

In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the Government agreeing to pay them \$800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion or the secularization of the monastic orders. Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, \$400,000, was deposited in banks at Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artacho, which is interesting because of the very honorable position taken by Aguinaldo. Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their proposed reforms, and if they failed to do so it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho \$5,000. No steps have been taken to introduce the reforms; more than two thousand insurgents, who have been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection.

On page 328 of the same document may be found the following in a dispatch from Cavite, on May 24, 1898, by Mr. Williams, our consul at Manila, to the Secretary of State:

To-day I executed a power of attorney whereby General Aguinaldo releases to his attorneys in fact \$400,000, now in the bank at Hongkong, so that money therefrom can pay for 3,000 stand of arms bought there and expected here to-morrow.

And again (see Document 62, p. 337), Consul-General Wildman, writing from Hongkong to Assistant Secretary Moore under date of July 18, 1898, declares that the claim that Aguinaldo and his cabinet had "sold their country" had been "conclusively disproved," citing, with other proofs, the exonerating statement, in the Spanish Senate, of ex-Governor-General Rivera himself, the negotiator of the treaty of Biaknabato. Thus it is irrefutably established that Aguinaldo betrayed no cause and made no personal gain by Spanish corruption.

The insurgent leaders were deported, but peace did not long continue. The promised reforms failed to materialize and sporadic insurrection reappeared. Demonstrations increased in frequency and force until, at the time our fleet sought the Spanish squadron in Manila Bay, rebellion was again formidably afoot. In a communication to the State Department dated February 22, 1898 (Document 62, p. 319), Consul Williams says:

Conditions here and in Cuba are practically alike. War exists. Battles are of almost daily occurrence, ambulances bring in many wounded, and hospitals are full. Prisoners are brought here (Manila) and shot without trial, and Manila is under martial law.

On the 19th of the following month he reports (Document 62, p. 320):

Insurrection rampant; many killed, wounded, and made prisoners on both sides. \* \* \* Last night special squads of mounted police were scattered at danger points to save Manila. \* \* \* Rebellion never more threatening to Spain.



This was the situation down, practically, to the time of Dewey's arrival and the memorable naval battle off Cavite on the 1st of May.

We now come, in the hasty résumé of the principal facts which I think necessary to make, to the appearance on the scene of Aguinaldo and his associates as active factors in the operations carried on by the United States. In the memorandum heretofore cited, General Green (Document 62, p. 421) states that Aguinaldo met our consul-general and others at Singapore April 24, 1898, and "offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila." It appears, however, by the statement of Consul-General Pratt himself (Document 62, p. 341), that the interview between him and Aguinaldo was arranged at his own instance and that he, not Aguinaldo, made and urged the suggestion of cooperation.

This fact and its result are most important to remember. It shows that the United States was the moving party in this matter and that we fixed, and voluntarily fixed, the status of the Filipinos at the very beginning of our relations with them. That status, sir, was that of allies of the United States against the power of Spain. I am aware that the fact of an alliance is disputed, and I remember in what high quarter this denial has been made with special emphasis. And I appreciate also how important it is to the case of those whom, for want at present of a better term, I shall call imperialists, that the American people shall believe that no alliance existed. For that reason, Mr. President, I propose to present from official sources certain facts that can leave no doubt, as I believe, in the mind of any candid man who shall consider them, that we were in alliance with the Filipinos, an alliance sought by ourselves, availed of by us for our own advantage, and, finally, to our everlasting shame in the estimation of honorable men, repudiated by us when we found it no longer necessary and when lust of empire had so blunted our moral sensibilities that we could mount from an act of perfidy to the grand larceny of a nation.

It appears, then, that on April 24, 1898, Consul-General Pratt at Singapore, after thus securing the acquiescence of the Filipino general in his plans, sent to Commodore Dewey at Hongkong the following cablegram (Document 62, p. 342):

Aguinaldo, insurgent leader, here. Will come Hongkong; arrange with Commodore for general cooperation insurgents Manila if desired. Telegraph.

PRATT.

Let us pause here a moment to consider exactly what was proposed: "General cooperation." Sir, I claim some acquaintance with the resources of the English language, and I dare affirm that our mother tongue does not contain, in all its opulence of words, material wherewith better to describe an alliance *de facto* than the expression "general cooperation" describes it when referring to the hostile action of two peoples against a third. To cooperate is to operate together. To cooperate generally is to operate together to the fullest extent in furtherance of the common purpose. In this case what was the common purpose? Manifestly, the defeat of Spain. We were fighting Spain because she oppressed the people of Cuba. Aguinaldo was fighting Spain because she oppressed the Filipinos. Here was a proposition that we and they combine as against our common enemy. If we did so combine we became allies. Who can dispute it?

The proposition was accepted. On that very night the Commodore's answer came (Document 62, p. 342):

Tell Aguinaldo come soon as possible.

DEWEY.

The arrangement was now complete, and it immediately issued in corresponding action. Aguinaldo went April 26 by a British steamer to Hongkong (Document 62, p. 342). Thence, according to General Greene (ib., p. 421), he, with seventeen other Filipino leaders, was conveyed to Cavite by the United States gunboat *McCulloch*. These men went on shore and Aguinaldo began at once the reorganization of an army. In this he was assisted by Commodore Dewey in the way of arms, supplies, and counsel. His success was remarkable. He speedily had a considerable army fairly well appointed and under excellent drill and discipline. General Whittier (Document 62, pp. 499-500), in his testimony before the Peace Commission at Paris, said that Aguinaldo's army consisted of more than 8,000 men. Aguinaldo himself claimed in Luzon a total of 30,000 troops in August, 1898, and General Greene's opinion (Document 62, p. 420) was that the insurgent forces around Manila numbered 10,000 or 15,000 men. He says that in June and July they took between 2,000 and 3,000 prisoners, harassed the Spaniards in the trenches, and "invested Manila early in July so completely that all supplies were cut off and the inhabitants, as well as the Spanish troops, were forced to live on horse and buffalo meat, and the Chinese population on cats and dogs."

General Whittier (ib., p. 499) declares that they drove the Spaniards from Cavite more than 20 miles to the defenses of Manila, "all the success being on the native side," and he told the Peace Commissioners (p. 501) that these soldiers were of

"very great" assistance to us in our operations. General Jaudenes, who commanded the Spanish forces in Manila at the time of the surrender, states in a letter to the Madrid Government that it had been the plan of the Spaniards to retreat into the interior and keep up the warfare against the Americans; and that they would have done this but for the fact that the insurgent forces hemmed them in.

General Anderson, the first commander of the land forces of the United States in the Philippines, treated Aguinaldo in a manner not explicable, except upon the theory that he was an ally. On the 4th of July, 1898, he writes to the Filipino general, addressing him as "Don Emilio Aguinaldo, commanding Philippine forces," as follows (Document 62, p. 390):

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands. For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

The relations of these two commanders were like nothing if not like those of allies. July 6, in another communication to General Aguinaldo, the American commander uses this language:

I am solicitous to avoid any conflict of authority which may result from having two sets of military officers exercising command in the same place. I am also anxious to avoid sickness by taking sanitary precautions. Your own medical officers have been making voluntary inspections with mine and fear epidemic disease if the vicinity is not made clean. Would it not be well to have prisoners work to this end under the advice of the surgeons?

Admiral Dewey's conduct toward Aguinaldo was of the same character. In his dispatch of June 28, 1898, to the Secretary of the Navy, he says:

I have given Aguinaldo to understand that I consider the insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed (him) to pass by water recruits, arms and ammunition, and to take such Spanish arms and ammunition from the arsenal as he needed. Have frequently advised (him) to conduct the war humanely, which he has done invariably.

It is also not denied that the flagship *Olympia* repeatedly dipped her colors in salute to the two or three small vessels constituting Aguinaldo's little navy and flying the flag of the Filipino republic. But perhaps the act most conclusive of all on this question of *de facto* alliance was the delivery on July 9, 1898, of the Spanish prisoners and property captured at Subig Bay by the gunboats *Raleigh* and *Concord* to the custody of Aguinaldo and the Filipinos by the express command of Admiral Dewey. I quote from the official report of this expedition, made by Capt. Joseph B. Coghlan, of the *Raleigh*, for a copy of which I am indebted to the Secretary of the Navy:

We skirted the west shore of Subig Bay, \* \* \* and were abreast of Grand Island at 8.40 a. m. (July 7). No flags of any kind in sight, but many men, soldiers and others, without arms. We rounded the northwest end of the island, and, still seeing no flags, fired some 6-pounder shot at spots supposed to be batteries, but got no reply unless a few Mauser shots which some of our men said they saw fall near the ship. As no one appeared to answer us, we fired one 6-inch at one house and one 5-inch at another. These promptly brought out several white flags. Firing from the ships was immediately stopped, and boats sent in to demand unconditional surrender. The commander asked if they were United States or insurgent prisoners. Lieut. Hugh Rodman told them they were United States forces. They immediately surrendered, and began delivering arms, ammunition, etc., into the boats. Lieutenant Rodman came off and reported that they had unconditionally surrendered; that the force on the island consisted of about 600 people—50 women and children, 100 sick, and about 450 men with arms.

In the meantime, as Lieutenant Rodman had signaled "surrendered" to avoid delay, other boats had been sent in to get arms. After getting the arms and ammunition, our vessels proceeded to Subig. Learning there that the insurgent chief was at Olongapo, we proceeded to that place, communicated with him, and becoming convinced from the talk of himself and his advisers that the lives of the prisoners would be unsafe if intrusted to him, upon consultation with Commander Walker I determined to lay the matter before you again before carrying out that part of your instructions. The *Concord* was sent up for that purpose. \* \* \*

On July 9, the *Concord* having returned to Olongapo, we gave the insurgent chief all the captured arms and ammunition—331 Mauser rifles, 251 Remingtons, and about 100,000 or 125,000 rounds of ammunition. We then proceeded to Grand Island and placed on board his steamer, the *Filipinas*, all the prisoners—20 officers, 563 men, 17 women (Manila), 18 children, and 5 priests, and turned them over to him. An insurgent guard was placed on the island to look out for the provisions and any stray articles not taken by the steamer on the first trip. Aguinaldo's agent told me the women, the children, and the sick would be kept at Olongapo arsenal and the men probably taken above Subig.

When embarking the prisoners, the general (brigade) informed Lieutenant Rodman that they would never have surrendered to the insurgents, but would have died first, as they were well able to resist for an indefinite time, etc. He persisted in making the point that he surrendered to the United States. \* \* \*

I retained possession of Grand Island in the name of the United States, it having been surrendered to us by the Spaniards; and left it in charge of a guard of insurgents sent there by my own request.

To be sure, since all these events the Admiral, in a note read here in the Senate, has denied explicitly that he ever treated the insurgents as allies; but I fear the honest sailor's terminology has suffered from recent contact with the nice discriminations of administration diplomacy, which seems to proceed on the theory that the word "ally" has no synonym, and that no degree of cooperation can create an "alliance" unless it originates in some formal bond wherein it is so nominated. This suspicion receives probability



from the naive qualification which the Admiral affixes to his statement. He says he never treated them as allies "except to make use of them" in conquering the Spanish!

Mr. President, the common sense and the natural sentiment of justice which distinguish the American people will approve the answer of Commander Bradford to an inquiry on this precise point before the Peace Commissioners at Paris. This very competent officer, for over sixty years in the Navy, was summoned as an expert before our commission, and, in the course of his examination, was asked the following question by one of our commissioners, the able and distinguished Senator [Mr. FRYE] who presides over this body (Document 62, p. 488):

Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong, and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation in the eyes of the world would we appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?

To which Commander Bradford answered:

We become responsible for everything he has done; *he is our ally*, and we are bound to protect him.

Sir, history will demand to know, if the Filipinos were so much our allies that we were bound to protect them against the reprisals of Spain, why they were not also, in the same sacred character, equally secure against the rapacity of their deliverers.

It is not easy, Mr. President, to fix with accuracy the time when the design was formed to take forcible possession of the Philippine Islands, nor to ascertain the mind in whose "gloomy recesses" this enterprise of sacrilege and violence first gathered form and pressure. There has indeed been evidenced a disposition by its most illustrious sponsors, as if their prophetic souls already trembled at the inquisition of after ages, to impute the dubious responsibility to Providence itself. I know not which to admire the more, sir, whether the modesty which disclaims credit for the policy, or the colossal presumption which challenges and betrays the vaunted confidence of the Almighty. But this alleged partisanship of Heaven in schemes not susceptible of mundane justification is as old as human artifice and selfishness. No despotism but has urged it; no outworn tyranny that has not hidden its shriveled ugliness behind it. Attila called himself the "Scourge of God." George III posed as the special providence of the American colonies. For centuries the divine right of kings barred the highway of human progress.

No; the excuse is inadmissible in the white light of modern common sense. We believe men to be free moral agents. While Providence desires the right, it is at our own peril that we must find what is the right and do it. Duty is, of course, a universal obligation. But what is duty? This is a matter of decision by human faculties; and any decision is subject to review, to investigation, perhaps to reversal. No man, no party, no nation, can escape accountability for actions by attributing their origin to any other source than human motives and human judgment. The policy of the Administration toward the Filipinos must be justified, if ever justified at all, in the forum of the reason and the conscience of mankind.

So far as I know, the first suggestion of even the possibility that this country might acquire possession of the Philippines occurs in the following cablegram of Commodore Dewey to the Secretary of the Navy, sent from Hongkong March 31, 1898, practically just a month before the naval battle of Manila:

There is every reason to believe that, with Manila taken, or even blockaded, the rest of the islands would fall either to the insurgents or to ourselves.

This, of course, lacked a good deal of outlining a policy of conquest, but it may very well have been the innocent germ of that conception. In any event, the progress of the idea was rapid, for by May 17 following we find it very fully developed in the mind of General Merritt, as is shown by the following extract from his letter of that date to the Secretary of War:

I consider the composition of the force outlined by the Major-General of the Army as unsuited to the ends to be accomplished and insufficient in efficiency for the expedition to the Philippines. Two regiments of regular infantry, two-thirds of a regiment of regular cavalry, and two light batteries are a very small proportion of the forty-two regular regiments in the Army, when the work to be done consists of conquering a territory 7,000 miles from our base, defended by a regularly trained and acclimated army of from 10,000 to 25,000 men, and inhabited by 14,000,000 of people, the majority of whom will regard us with the intense hatred born of race and religion.

In his indorsement on this communication, General Miles criticizes General Merritt's estimate of the number of the Spanish troops and of the population of the islands; and he adds: "The force ordered at this time is not expected to carry on a war to conquer an extensive territory." General Merritt, however, seems to have been nearer than his superior officer was to inspirational sources, and, to judge by his subsequent conduct in the Philippines, when he came there to relieve General Anderson, never had occasion to change his mind as to the character of our occupation.

It appears certain that Commodore Dewey did not at first suspect his country of any ulterior designs on the islands. The first

expeditionary land force of the United States entered Manila Bay June 30, 1898, Brig. Gen. Thomas M. Anderson commanding. In an article published in the North American Review for February, 1900, General Anderson says: "I was the first to tell Admiral Dewey that there was any disposition on the part of the American people to hold the Philippines if they were captured." But apparently it was to General Merritt, who relieved Anderson about a month later, that the full plan had been confided. In this same magazine article General Anderson states that his orders were "to effect a landing, establish a base, not to go beyond the zone of naval cooperation, to consult Admiral Dewey, and to wait for Merritt."

A sample of our frankness and good faith in dealing with the Filipinos meantime is given by General Anderson in an account of one of his conversations with Aguinaldo. The latter, he says, asked him "if we, the North Americans (as he called us), intended to hold the Philippines as dependencies." "I said I could not answer that, but that in one hundred and twenty years we had established no colonies. He then made this remarkable statement: 'I have studied attentively the Constitution of the United States, and I find in it no authority for colonies; and I have no fear.'"

"It may seem that my answer was somewhat evasive, but I was at the time trying to contract with the Filipinos for horses, carts, fuel, and forage." Sir, the gospel of materialism could no farther go. What a commentary is here on the moral consciousness of this age! While entertaining designs on this man's liberty and that of his fellow-countrymen, the American commander deliberately lulls him into false security by an ambiguous observation, and boasts of it afterwards because it procured us "horses, carts, fuel, and forage."

Upon the arrival of General Merritt there was an immediate cessation of the hitherto cordial relations sustained between Aguinaldo and the American commander. A distinct change of tone is observable in the formal communications between our headquarters and the Filipino general. No one can read these communications and remark the altered attitude of our officers without coming to the conclusion that part of General Merritt's prearranged task was to maneuver out of an awkward friendliness with Aguinaldo, and thus to reach a footing for the convenient development of some secret policy with which he had come fresh-freighted from Washington. I do not care to charge that, as a preliminary to the execution of this policy, there was a deliberate purpose on our part to provoke some overt act by the Filipinos so as to give an excuse for breaking with them and putting them in the attitude of assailants of our soldiers; but I do say that our conduct at this time and subsequently till the fatal 4th of February, 1899, is absolutely harmonious with such a theory, and, so far as my ingenuity goes, is wholly inexplicable upon any other theory.

Circumstances favored General Merritt in his plan. About the time of his arrival the official correspondence with Aguinaldo concerned itself with his remonstrance against our landing troops, without previous notice to his government, in places that had been conquered against the Spaniards by Filipino forces. For some inscrutable reason this, as it seems to me, very natural and proper representation was deemed by us an occasion of offense. In an article in The Youth's Companion of July 6, 1899, General Merritt says:

In view of the attitude of the insurgent chief, which had been so clearly demonstrated before my arrival, I was in no uncertainty as to my own attitude toward him. I sought no communication with him, not wishing to recognize his authority until Manila should be under American control, when we would be in a position to enforce our authority in the event that his pretensions should conflict with the designs of our Government.

In planning to compass this last-named object, an exclusively American possession of Manila, the first serious difficulty was encountered. The Filipinos had driven the Spaniards into the capital and had invested them there. They occupied miles of trenches on the landward side of the city, which they had maintained with patience and gallantry. The actual capture and entry of the town would be the culmination and reward of all their sufferings and struggles, the conspicuous sign and pledge of the triumph of their, to them, sacred cause. What wonder if they looked forward to that event with the liveliest anticipations and the most passionate longing? But this natural expectation was not to be realized.

General Merritt's plan required an occupation of the city by Americans only. An arrangement had been entered into, it seems, for a practical surrender of the defenses on the 13th of August, although, as a concession to Spanish pride, a show of resistance was to be made; an understanding which, quite naturally, was not generally circulated. The Filipinos had been induced to surrender a large part of their trenches to American regiments, in preparation for the procedure described as follows by General Anderson in the article before cited:

About 9 o'clock on the evening of August 12, I received from General Merritt an order to notify Aguinaldo to forbid the Filipino insurgents under his command from entering Manila. This notification was delivered to him at 20 minutes past 10 that night. The Filipinos had made every preparation to assail the Spanish lines in their front. Certainly they would not



have given up part of their line to us unless they thought they were to fight with us. They therefore received General Merritt's interdict with anger and indignation. They considered the war as their war, and Manila as their capital, and Luzon as their country. Knowing that they would disregard any remonstrance on our part, I sent a battalion of North Dakota Volunteers to hold a bridge they would have to cross if they followed us into Manila when we made our assault on the next morning, but when the battle began they broke in by way of Santana and got into the city as soon as we did.

After the white flag was raised and the firing ceased, it was found that fully 4,000 armed insurgents had taken possession of Paco and part of Malata, two important suburbs on the south of the Pasig. To hold them within these limits and stop any attempt at looting, a cordon of troops was thrown round them. The situation was exceedingly critical. Our soldiers believed that the Filipinos had fired on them, and the Filipinos were almost beside themselves with rage and disappointment. The friendly relations we had with Generals Recati and Morial alone prevented a conflict then and there.

It will be noticed that General Anderson does not say that any actual attempt to loot was made at this time by these Filipino troops. The fact is, as testified by a multitude of witnesses, that the restraint in this respect exhibited by the Filipinos has been most remarkable. For example, early in January, 1899, General Miller, in pursuance of orders of this Government, was contemplating an attack on the city of Iloilo, in the island of Panay, the second city of the Philippines, and then in the armed possession of the insurgents, when, as he says, he "received a letter from the business people of Iloilo, principally foreigners, stating that good order was being maintained, life and property being protected," and requesting him not to attack; and he delayed accordingly. Concerning the practice of looting, moreover, great numbers of credible men, including reputable newspaper correspondents, have told of many occurrences of that character, which so involve our own troops as to make silence on the subject a mutual charity.

By persistent effort Aguinaldo was finally persuaded to withdraw his forces from the city proper, and lines were arranged designating the appropriate limits of the two armies. But the bad feeling already engendered continued to grow, events constantly happening to extend and deepen it. The object aimed at through Filipino assistance having been obtained, it was thought no longer necessary to treat the natives with deference or even with respect. Says General Anderson, in the article so frequently quoted:

Our soldiers, to get what they considered trophies, did a good deal of what the Filipinos considered looting. A number made debts which they did not find it convenient to pay. They called the natives "niggers," and often treated them with good-natured condescension, which exasperated the natives all the more because they feared to resent it.

These things were, of course, well known to the American officers. The absence of serious attempts at correcting them or at anything like conciliation leads irresistibly to the inference that those in authority winked at the manifest drift of circumstances because they either knew or felt that the result, inevitably thus foreshadowed, must be to further the ulterior designs of those supreme in shaping the policy of this Government. What those designs were was by and by apparent enough. General Merritt's proclamation dealing with the military government of Manila plainly showed, in the words of General Anderson, "that we intended to hold the Philippines under military rule." Thus at last had the deep plot of which he came to the islands as the agent worked itself into the light.

But if any doubt was left by the actions and proclamations of General Merritt, all uncertainty was banished by the President of the United States himself. All the world knows the history of that famous document which, written by the President as a letter of instructions to General Otis, on December 21, 1898, and intended for his promulgation as a proclamation, was revised by that officer before issuing it, for the avowed reason that, in the form in which the President had cast it, there was a practical certainty that it would provoke disturbance; but which was published after all in its entire original indiscretion (unless, indeed, the President had bided wiser than General Otis knew) by General Miller before Otis could communicate with him.

Before inviting some consideration of this remarkable paper, attention should be called to the fact that the war with Spain had practically ceased, the peace protocol having been signed at Washington on the 12th of August and the definitive treaty executed at Paris December 10. The treaty, not yet approved by the Senate, lacked many weeks of formal ratification, and was, of course, absolutely without existing force. In this situation the status and rights of the late belligerents were governed by the protocol, whose third article was as follows (Document 62, p. 144):

The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

Nothing, certainly, could be plainer than this. We had solemnly executed that instrument and were in honor bound to observe it. Until the treaty should be ratified neither the President nor any other officer or department of this Government could exercise the slightest rightful authority anywhere in the Philippine Archipelago outside of the city, bay, and harbor of Manila. Is this proposition subject to dispute or qualification in any particular, Mr. President? If so, I have never heard of it. The language of the protocol is absolutely clear and definite. We were

limited to the "city, bay, and harbor of Manila" until the "conclusion" of the treaty.

The reason for so much emphasis on this provision of the protocol is that, in view of the President's action on December 21, any citizen of this country to whom its honor is dear would be justified in denying the provision, if its existence could possibly be questioned, or in explaining it away, if it could be tortured into ambiguity. Let us not evade an unpleasant responsibility. I, at any rate, propose to be very frank about it. In my opinion, not anything like proper attention to this matter has been given by the press or by public men. The dilemma is this: Either that article of the protocol does not mean what it says, or the President of the United States, in causing the issuance of the proclamation to which I have referred, broke the pledged faith of this Government. Sir, it is not agreeable to me to use this language, but I devoutly believe that the Republic is at the gravest crisis of its history, and I feel that a necessary preliminary to its getting safe out is to cause the people to realize how it came to get in.

The President's letter of December 21, 1898, which, with certain emendations deemed necessary in the interest of prudence and peace, was issued as a proclamation by General Otis at Manila January 3, 1899, and which was made public by General Miller on January 4, in its original form, is as follows:

EXECUTIVE MANSION,  
Washington, December 21, 1898.

TO THE SECRETARY OF WAR.

SIR: The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant, and as a result of the victories of American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In the fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.

In performing this duty the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that, in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power, the authority of the United States is to be exerted for the securing of the persons and property of the people of the islands and for the confirmation of all their private rights and relations. It will be the duty of the commander of the forces of occupation to announce and proclaim, in the most public manner, that we come not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, cooperate with the Government of the United States to give effect to these beneficent purposes will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness if need be, but without severity, so far as may be possible.

Within the absolute domain of military authority, which necessarily is and must remain supreme in the ceded territory until the legislation of the United States shall otherwise provide, the municipal laws of the territory in respect to private rights and property and the repression of crime are to be considered as continuing in force, and to be administered by the ordinary tribunals, so far as practicable. The operations of civil and municipal government are to be performed by such officers as may accept the supremacy of the United States by taking the oath of allegiance, or by officers chosen, as far as may be practicable, from the inhabitants of the islands.

While the control of all the public property and the revenues of the state passes with the cession, and while the use and management of all public means of transportation are necessarily reserved to the authority of the United States, private property, whether belonging to individuals or corporations, is to be respected except for cause duly established. The taxes and duties heretofore payable by the inhabitants to the late government become payable to the authorities of the United States unless it be seen fit to substitute for them other reasonable rates or modes of contribution to the expenses of government, whether general or local. If private property be taken for military use, it shall be paid for when possible in cash, at a fair valuation, and when payment in cash is not practicable receipts are to be given.

All ports and places in the Philippine Islands in the actual possession of the land and naval forces of the United States will be opened to the commerce of all friendly nations. All goods and wares not prohibited for military reasons by due announcement of the military authority will be admitted upon payment of such duties and other charges as shall be in force at the time of their importation.

Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority, to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

WILLIAM MCKINLEY.

There was no mistaking the tone and meaning of this document. Even after the ameliorating process to which it was subjected by General Otis, for the reason, as stated by him, that he thought certain of its expressions "might be advantageously used by the Tagalo war party to incite widespread hostilities among the natives," it still breathed the relentless spirit of subjugation. Among the roses of its soft rhetoric of love, its fair speech about our coming



"not as invaders or conquerors but as friends," of the "mild sway of justice," and of "benevolent assimilation," the already justly awakened distrust of the Filipinos clearly beheld the unsheathed and glittering steel of despotism. When the full text of the genuine instrument appeared the thin disguise of roses fell away, and only the menace of the sword remained.

The insurgent chieftain promptly penetrated the design and met it with almost instant rejoinder. His answering proclamation of January 5 closed with these words:

My government can not remain indifferent, in view of a violent and aggressive usurpation of a portion of our territory by a nation which calls itself "champion of oppressed nations." So my government is prepared to commence hostilities if the American forces attempt to carry out by force the occupation of the Visayas. I proclaim these facts before the whole world, in order that the universal conscience may point out inflexibly who are the real oppressors of nations and the executioners of humanity. On their heads be all the blood that will be spilled.

There has been much needless discussion as to the responsibility for the commencement of actual hostilities. Sir, the events of the 4th of February, 1899, are relatively inconsequential, although the first shot on that unhappy night was confessedly fired by us, and General Otis himself says that the action was one strictly defensive on the part of the Filipinos. The mischief had been already done beyond repair as soon as this proclamation of the President was promulgated. The Filipinos, as I shall soon show beyond all controversy, were fighting Spain to secure national independence, and we knew that to be their object. They had practically driven their oppressors out of the islands, and, as I shall also establish, had erected and were maintaining a general national authority and peaceable and effective local governments. Well may General Anderson inquire (*North American Review*, February, 1900):

Was Luzon a conquered country? We held Manila and Cavite. The rest of the island was held not by the Spaniards, but by the Filipinos. On the other islands the Spaniards were confined to two or three fortified towns.

He refers to the situation as it was in August, 1898; but the case was still worse at the time of the proclamation, for the Spaniards had then lost even these fortified towns, while we were, by the protocol, confined to Manila city, bay, and harbor.

Yet the President declared that the "conquest" of the Philippine Islands had been effected. The statement could be true only as to the Spaniards. Nobody else had been conquered. But who had conquered the Spaniards? Is there on earth a man to deny that the Americans and the Filipinos together had conquered them? If the Filipinos and we together had destroyed the whole power of Spain in the islands; if the Filipinos had been fighting to destroy that power in order to erect a Filipino republic in its place; if now we occupied Manila only and they held practically all the rest of the archipelago, how under heaven can it be claimed that we had secured anything by "conquest" as against the Filipinos?

I put it therefore, Senators, to the candor of fair-minded men: When the President of the United States, their late ally in the operations against Spain, having negotiated at Paris a treaty, not yet in force, which assumed to dispose of their country, although their duly appointed representatives had been denied a hearing at the negotiations, solemnly announces by proclamation to the world that the victory over the Spaniards is to be by us treated as a victory over the Filipinos also; that the military government of the United States "is to be extended with all possible dispatch to the whole of the ceded territory;" and that all persons refusing to submit to this assumption of power are to be brought beneath it "with firmness, if need be;" in short, that we propose to take the islands for ourselves and to shoot everybody that refuses to acquiesce in the arrangement; had he not in effect declared war against the supporters of the Filipino Republic? Thereafter were not the precise time, place, and manner of the actual outbreak of hostilities matters of comparative indifference so far as the merits of the case are concerned?

If this is so, what becomes of the war power specifically reposed by the Constitution in Congress alone? It can not be said that the President was by this act repelling invasion. He makes no such pretense in the proclamation, and as a matter of fact could not have done so with the slightest reason. Nor can it be claimed that he was suppressing insurrection. There had been no act of insurrection and his proclamation alleges none; nor, be it remembered, could there be an insurrection or rebellion by those who owed us no allegiance.

The treaty had not been ratified, and therefore even if, for the sake of argument, it be admitted that a nation may be purchased, along with its good will, allegiance, and loyalty, for twenty millions of dollars, yet the purchase had not yet been consummated. The high contracting parties had not yet formally struck the bargain. The blood money had not been paid. The Filipinos were their own men, at least until the ratification of that treaty. They therefore were not rebels when this proclamation was written. They were not rebels when it was published. They were not rebels during the opening weeks of that lamentable struggle for the right to govern themselves in the country that God gave them,

which still continues, and in which so much of our treasure has been wasted and so many noble American lives have been sacrificed.

They owed us no allegiance when the war began. They have never assumed any since. To call them traitors because of a transaction in which they had no part and which took effect long after they had begun to shed their blood in honorable war is, even if any technical standing be given it in international ethics, conduct unworthy of a just and chivalrous nation. Fight them if you will. Burn, kill, and destroy. Write large the precepts of Christian charity in their blood and ours upon the tropic sands, and let the flames to which we feed their homes flash as new beacons of civilization across the expanse of summer seas; but spare them, in mercy's name, the imputed infamy of treason. If we are bent on slaughter let it be in open guise. If we lust for this people's land let us not glose our enterprise with false and sinister pretense. Rather let us boldly raise the somber flag of international piracy, whistle scruple down the wind, and then close in upon our feeble victim to the cry of "Loot and glory!"

On the night of February 4, 1899, the first shot in the war between the United States and the Filipinos was fired by a private soldier of the Nebraska Volunteers, near the Santa Mesa bridge, in the village of Pandacan, close to Manila. Three Filipinos, it seems, were challenged in the darkness near the American lines, and, upon failing to obey the command to "halt," were fired upon by the American sentries and killed, two of them as they were running away. An interesting discussion of the point whether Santa Mesa is within the limits of the city of Manila, to which, it will be remembered, we were by the protocol limited on the landward side, was given in an editorial in the *Springfield Republican* of January 31, 1900, which I quote as cited by Mr. Herbert Welsh in his very useful little book, *The Other Man's Country* (p. 110):

When General Otis succeeded General Merritt as commander of the United States forces in the Philippines in August, 1898, a correspondence between General Merritt and Aguinaldo, concerning the proper location of the American military lines around Manila, was well advanced, but still pending, and the final negotiations thereupon devolved upon General Otis. After parleying, the Filipinos retired beyond the lines insisted upon by General Otis, with an exception or two, including Pandacan. General Otis, desiring to hold Pandacan because of its obvious military value, threatened, on October 14, 1898, to use military force to drive the Filipino army out of the town, writing an ultimatum to Aguinaldo as follows:

"I must request such withdrawal on or before the 20th instant, else I shall be forced into some action looking to that end."

Aguinaldo, on October 22, thus replied to General Otis:

"General: In view of your favor of the 14th instant, I consulted the opinions of my generals and advisory council, and I have appointed Dr. Pardo de Tavera, in order that he might place before you the wishes of all, as he did on the 18th. Said commissioners, on giving me an account of your wishes, told me that you had consented to postpone the ultimatum for the withdrawal of our troops until the 25th, and the retention by our forces of the blockhouse situated on the line shown on the blue map, which you sent me with said letter, but had not acceded to the desires of the Philippine people that my forces continue to occupy Pandacan."

"Relative to the latter point, I take the liberty of telling you that your predecessor, General Merritt, understood that the American forces only ought to occupy, according to the terms of the capitulation of Manila, the city and its environments, i. e., Binondo, Tondo, Santa Cruz, Quiapo, Sampaloc, San Miguel, Concepcion, Ermita, Malate, and Paco, or San Fernando de Dilao, and thus he clearly puts it in his letter of August 20 last. The town of Pandacan has always been considered outside of the old municipal limits of Manila, which the general himself mentions in said letter, and I hope your high sense of judgment will see it thus. Nevertheless, I understand that your forces are already occupying Uluil, Nactahan, and Santa Mesa districts, which, although belonging to the jurisdiction of Pandacan, they can continue to do, in order to prevent the continual encounters with mine, which cause disagreeable incidents."

On the 25th, in response to General Otis's ultimatum, which was a threat of war, the Filipino troops were withdrawn from Pandacan. That they withdrew, however, with a feeling of wrath and outraged justice can not be doubted, for General Otis himself, two days after their withdrawal, in a letter to Aguinaldo, admitted that Aguinaldo's statements as to Pandacan were well founded. Otis wrote him (*Otis's Report*, pp. 20-21):

"I have referred to General Merritt's letter of August 20, which you mention, and find that it is as you state. I have been led to believe that it (Pandacan) has, of late, been considered out of the city's suburbs, although we have been unable to find any Spanish decree which fixes its status with definiteness."

Here is Otis admitting to Aguinaldo that General Merritt has considered Pandacan as beyond the limits of the city of Manila or its suburbs, or its defenses. And here he is, also, admitting that he could find no Spanish authority for considering the town as one of the city suburbs. With Merritt agreeing with Aguinaldo, and Otis unable to sustain his course by any Spanish authority, what is the reasonable conclusion regarding Pandacan?

It was in that region, which the Filipinos never could have regarded as justly or legally held by the United States, that a stray insurgent, heedless of the challenge of a Nebraska sentry, was shot on February 4, 1899. And thus the war began. In this same report by General Otis there is fresh evidence, to be referred to later on, that no assault on the American lines was premeditated by the Filipinos that fateful night, but in this article the *Republican* confines its analysis of the report to this contention alone: That the troops commanded by General Otis had no right, under the peace protocol, to be in occupation of the region where the clash between the two armies finally came. The unpremeditated encounter came on territory which Otis had seized by force, without lawful warrant, and which Merritt himself had conceded was not within American jurisdiction. These are facts to remember, for they have a bearing on the historical phases of the imperialistic controversy.

If any evil-disposed person were inclined to suspect that this ill-starred conflict had been desired, or even perhaps connived at, by our officers, he could certainly cite corroborative circumstances. He might, for example, quote the following statement in General Otis's report explaining the occasion for his dispatch



of February 8, 1899, commanding General Miller to attack Iloilo: "It was very important, for overmastering political reasons, to take possession of these southern ports;" and it certainly could not be deemed a wildly improbable guess that the occurrences at Manila on February 4 might have been also associated with "overmastering political reasons."

He perhaps would see some relevancy in the statement made by Gen. C. McC. Reeve, of Minnesota, a man I personally know to be of unimpeachable veracity, who was in command of the police of Manila at this time, and who reports that on the day following this first shooting General Torres came with a flag of truce from Aguinaldo to express the latter's regret that fighting had occurred, and to say that it had begun accidentally and that Aguinaldo wanted it stopped and desired the establishment of a suitable neutral zone between the two armies in the interest of peace; but that General Otis refused these overtures, declaring that—

The fighting having once begun must go on to the grim end.

This alleged occurrence General Otis has since qualified, though without essential contradiction; but General Reeve's account is quite harmonious with the following dispatch sent by General Otis to the War Department on February 8:

Aguinaldo now applies for a cessation of hostilities and conference. Have declined to answer.

And this, sir, so far as I am advised, has been our attitude ever since. "No parley; surrender or extermination," is the cry. Ah! sir, this seems to me strange language for the opening of the twentieth century, that halcyon era of peace and the humanities, of which poets have sung and philosophers have dreamed during so many ages; an inexplicable motto for a people dedicated to liberty and heretofore the champion of human brotherhood. Napoleon said, "Scratch a Russian and you will find a Tartar." I have sometimes thought, as I have seen this passion for slaughter inflame and distort the faces of good men in whom the frenzied appeal of party orators appeared to move the primal instincts of savagery, that after all the original cave man may lurk just under the modern skin. And now and then, even within these storied walls, when I have looked on crowded galleries stirred to applause by the easy trick of arousing our inherited barbarism, the panorama of the centuries seemed to roll back on itself, and one might almost fancy that one stood in ancient Rome when the populace had assembled to see the gladiators die "to make a Roman holiday." Here were the same eager faces, the same gleaming and pitiless eyes, the same tense and horrible expectancy; and, except that here the victim was present only in imagination, one might think the next instant to hear the shrill cries of "Habet," "Habet," as the catastrophe of the dread drama came.

Fortunately these aberrations are infrequent; fortunately they do not last long, and fortunately they affect only a small minority of our citizenship, though the demonstrativeness of this minority may easily cause its real importance to be overestimated. Its danger to the country is due rather to the remissness of the great majority of our people, either because of apathy or because of the tyranny of party. Hence the permission to a noisy minority to rule. But when the magnitude of the present crisis in our national affairs shall be realized, the great deep of the popular affection for our old-fashioned institutions will be broken up, and the wreck of this buccaneering experiment will strew the shores of time.

Mr. President, it has been urged that we never were and are not now under any obligation to the people of the Philippine Islands to grant them independence, for the reason that we never promised it to them. This appears to be the position taken in his letter of acceptance during the last campaign by the Republican candidate for the Presidency. It is by no means, sir, an undebatable question whether we did not, by the mouth of certain of our responsible representatives, actually assure Aguinaldo of our readiness to acquiesce in his plans for the independence of his country. But it is not necessary to rest this question on a dispute of veracity. To honorable men and to honorable nations an obligation raised by circumstances is not less binding than one that rests upon a promise. Surely our duty to the Filipinos is not concluded by what we may or may not have said about it.

Our duty to Cuba did not spring from the famous fourth resolution of April 21, 1898, disclaiming any selfish purposes of our own in that island. On the contrary, the resolution originated in the duty. The same considerations of propriety and justice raised the same duty in the case of the Philippines. It was no less real because we failed to avow it then. It is even greater to-day, because it is two years older, and because the sorrows and losses of the intervening time have only served to emphasize the blunder, as well as the crime, of its neglect.

The fact that the Filipino revolutionists aimed at establishing an independent government was known to the Administration before the commencement of the Spanish war. In a dispatch to the Secretary of State, dated Hongkong, November 3, 1897, Consul Wildman refers to several interviews between himself and

Mr. Agoncillo, foreign agent and high commissioner of the republic of the Philippines, a man of many accomplishments and much ability, who since then has become widely and favorably known. In this dispatch the consul says that Agoncillo desires to purchase certain arms and ammunition for his government, "to be paid for on the recognition of his government by the United States," pledging as security "two provinces and the custom-house at Manila."

Consul-General Pratt, writing from Singapore April 30, 1898, informs the Secretary of State that Aguinaldo "hoped that the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance." On the 5th of May Mr. Pratt sent to the State Department a communication (Document 62, p. 343) in which he inclosed a copy of the Singapore Free Press of May 4, 1898, wherein was printed a long statement, declared by Mr. Pratt to be substantially correct, of the war situation and the particulars of Aguinaldo's visit to Singapore and his conferences with Pratt. This newspaper article went into details with great thoroughness, and referred as follows to the wishes and purposes of Aguinaldo:

He further declared his ability to establish a proper and responsible government on liberal principles, and would be willing to accept the same terms for the country as the United States intend giving to Cuba.

The article says in another place: "General Aguinaldo's policy embraces the independence of the Philippines." This dispatch was acknowledged from Washington, June 25 (Document 62, p. 356), so that the information it contained became the property of the Administration at least as early as that date.

Less than a month later, on July 22, General Anderson and Admiral Dewey united in the following dispatch to the Secretary of War in care of the Secretary of the Navy:

Aguinaldo declares dictatorship and martial law over the islands. The people expect independence.

Meantime there had been issued in the Philippines two proclamations which left the world in no doubt as to the character of Filipino aspirations. The first was drawn up by the insurgent leaders that were at Hongkong, and sent over to the Philippines and published there in advance of the arrival of Dewey's squadron. Let me read some extracts from this interesting paper (Document 62, p. 346):

Compatriots: Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could hardly wish for. The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country, now that they have been obliged to sever relations with Spain, owing to the tyranny this nation is exercising in Cuba, causing enormous injury to the Americans, who have such large commercial and other interests there.

At the present moment an American squadron is preparing to sail for the Philippines.

We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than fire a shot or treat as enemies those who are your liberators. \* \* \*

Take note, the Americans will attack by sea and prevent any reinforcements coming from Spain; therefore we insurgents must attack by land. Probably you will have more than sufficient arms, because the Americans have arms and will find means to assist us.

There, where you see the American flag flying, assemble in numbers; they are our redeemers.

This proclamation was forwarded to Mr. Day by Mr. Pratt on May 20, 1898. Four days later, namely, on May 24, Aguinaldo himself promulgated at Cavite his famous first proclamation to the Filipino people, containing four articles of regulations to be observed in the interest of order and sanitation, and beginning with words that, in view of subsequent occurrences, possess a mournful and pathetic interest (Document 62, p. 431):

Filipinos: The great nation North America, cradle of true liberty, and friendly on that account to the liberty of our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land. To maintain this so lofty idea, which we deserve from the now very powerful nation North America, it is our duty to detest all those acts which belie such an idea, as pillage, robbery, and every class of injury to persons as well as to things.

Mr. President, it is needless to multiply evidences of this character. Those already given are sufficient abundantly to establish the facts that the Filipinos aimed at independence from the very beginning of our relations with them; that this was perfectly well known to us, first, immediately to our officers in the Army and the Navy charged with our authority in that part of the world, and, secondly, to the President and his Cabinet at home, months before the fall of Manila and the signing of the protocol imposed the duty of a definitive attitude toward that people.

But, forsooth, "we never promised them their independence!" Have we the patience, sir, to listen to such special pleading as that? The Filipinos are constantly declaring their hopes of nationality. Our soldiers hear it on every side. Flaming from all the walls of Cavite, and in other places, our Army and Navy officers read the proclamations which, in their affluent tropic style, breathe



devotion to liberty and aspirations for independence and throb with love and loyalty to America, the deliverer. And then they join with us in common cause. They march with us. They suffer with us. They bleed with us. They die with us—we fighting to free Cuba, they fighting to free themselves. And the Government at Washington hears the news, officially mourns the dead, and appropriates the victories and the glory.

And "we never promised them their independence!" Sir, it was not necessary that we should "promise" them their independence. By every title that heroism and love of country have always won in human hearts these men had earned their independence; and what page in this country's history, from Bunker Hill to Yorktown, from Bull Run to Appomattox, would have formed the basis for a suspicion that it could be the United States of America that should not only refuse it to them, but even take it away?

But it is declared that these people are not qualified for self-government. On this branch of the subject it is somewhat difficult to find precise specifications by objectors. Some speak loosely of the incapacity of the "oriental mind," an *a priori* argument at once refuted by pointing to the Japanese, whose progress during the last fifty years has been the wonder of modern history, and to whom in ingenuity and adaptability the Filipinos have been frequently compared by competent scholars and observers.

Another qualifies the alleged incapacity by limiting it to the Anglo-Saxon type of government. We have, we think, the best kind of government, or may have if we will but purify and preserve it. But surely it can not be contended that it is our "duty" or "destiny" to begin a crusade of compulsion against all the absolute and limited monarchies in the world, and all the Latin republics, to force them either to adopt our precise kind of institutions, or, as the alternative, to become our liege vassals and dependencies. Even the most robust imperialist must recoil from such a programme as that. No; every nation has a right to its own government. It can not, indeed, use any other. It is entitled to develop in its own way. It can develop in no other.

Every single attempt by one people to force the entirety of its political institutions upon another differing from it in blood, in speech, in habit, in instinct, in history, in environment, has resulted in pitiable failure, as similar attempts must continue to result forever. A strenuous thinker and brilliant rhetorician has exclaimed:

What alchemy will change the oriental quality of their blood and set the self-governing currents of the American pouring through their Malay veins?

Why, sir, let me answer, none. It can not be done. Such transfusion is impossible, if it were desirable, and no fact more clearly demonstrates the utter folly of this whole wretched business than this simple but absolute law of nature.

Every nation, like every individual, must work out its own salvation "with fear and trembling." A nation's life is its very own. The nation is an individuality, and it is sacred. Self-government, in the national sense, does not necessarily mean universal suffrage. It does not signify any particular kind of polity. It does not *per se* imply republican government at all, though the result of evolution must ultimately be, as I think, to produce a form of relatively pure democracy for every people. But this is a long process. Not all nations have reached the same stage of it. Not all races are advancing by the same route to that distant goal. But each nation has a right, as respects all other nations, to be free from oppressive interference, just as each person has the right, so far as other individuals are concerned, to be his own master.

This same orator inquires again: "How shall they, in the twinkling of an eye, be exalted to the heights of self-governing peoples which required a thousand years for us to reach, Anglo-Saxon though we are?" Passing over the expression "Anglo-Saxon," which ethnologists repudiate, let us again frankly admit that this sublime saltation from the depths to the heights of institutional ascent is a pure impossibility. That laborious progress must be won by slow advance. But, sir, it must be by a climb, not by a boost. We are what we are after a thousand years because we were self-governing a thousand years ago.

The "Anglo-Saxon" of that era resented as fiercely as would the "Anglo-Saxon" of to-day the attempt of any other nation to put him in leading strings. He could scarcely resist more determinedly than the unhappy Filipino resists us now in our ruthless and unholy effort to destroy his nationality and place his soul in bondage. Every boast the "Anglo-Saxon" utters over the accomplishment of this thousand years must react as a curse upon every policy of his that denies to another race or people the opportunity by which he himself has risen. Self-government is not, as has been said, "the degree which crowns the graduate of liberty." It is, on the contrary, the very curriculum of the school.

But, sir, speculation in the case at bar is beside the question. The Filipinos have already settled it, even on the basis of a much more requisitive test than I believe to be just. The evidence of their capacity for self-government is overwhelming and has been

cited in this body again and again during the last two years. Shall we ask as to their temperament? We are assured on all sides that they are gentle and kind by nature. Their disposition? Docile. Their intelligence? The petition of the citizens of Manila says that 80 per cent of the population can read and write, referring, I am told by Señor Del-Pan Fontela, president of the Manila Bar Association, to the civilized communities, which, according to Professor Blumentritt, the celebrated ethnologist, comprise fully eight-tenths of the entire population of the islands. If this estimate of literacy seems somewhat high, I remind you that Gen. Charles A. King ventures an opinion, as the result of his experience, that the true proportion is 90 per cent.

Señor Fontela says that it is practically impossible to find in ordinary life a Filipino who can not read and write either Spanish or Tagalo, or both. Compare the signatures on this petition—2,006 of them—with a similar list gathered miscellaneously in any community in the United States, and the comparison will not be to the disadvantage of the Manila petition. But make any reasonable allowance for error in the percentage estimates of Filipino literacy, and then contrast it with the statistics of Spain, which show that not over 30 per cent of her population can read and write, and the conclusion must be, if this test is to control, that we would do better work for civilization by conquering Spain than by subjugating the Philippines.

Of course it is not pretended that practically all the people in the islands are highly or even well educated, but that the rudiments of education generally obtain there is not the slightest doubt. Schools exist in all the towns of any size, and the desire for knowledge is almost universal. The admirable report of Messrs. Sargent and Wilcox, to which I shall shortly refer in another connection, contains a great amount of valuable and reliable information on this subject. I am able to supplement it with the following excerpts from a personal letter recently received from a soldier (Mr. Abram L. Mumper, now of Greeley, Colo., an honorably discharged veteran of Company H, First Idaho Volunteers) whose character has been vouched for to me in the most satisfactory manner:

It is necessary to thrash over a great deal of old straw in order to answer Republican misrepresentations. We soldiers heard the charge that the Filipinos were uncivilized long before we began to fight them. But when we got out among them, killing, burning, and destroying, we found that every city had a high school, every village schools, and every hut, however humble, contained printed matter. Just before election I met a comrade who served with the Oregon regiment and intended to vote for McKinley. I put this question to him: "Comrade, you served on the north line and I on the south; tell me what evidences of civilization you found." The answer came quick and in these words: "Every hut I entered contained printed matter, every city and town had schools, and at one town my company was stationed in a high school that had text-books scattered around, high as geometry and calculus."

Half of my regiment went on the lake expedition under General Lawton to capture Santa Cruz and some Filipino gunboats. When they returned several came to my tent and said, in substance, "Mumper, these Filipinos are not savages. When we captured Santa Cruz we found a city clean, paved, and well drained, a city with churches, schoolhouses, and courts of justice; a city of happy homes, upon whose walls hung works of art, whose mahogany and rosewood floors reflected finely painted ceilings. Various handiwork also adorned the walls. These people are not savages, and we do not want to fight them any more. They can govern themselves, and that is all the reason we have heard for not giving them self-government."

But, sir, undoubtedly the best evidence of the capacity of these people to establish and maintain a government is the fact that they have actually done so. Their success therein under most difficult and disturbing conditions offers the strongest assurance of their ability to repeat the achievement with even more success under the favorable circumstances of public tranquillity and of the hearty and honorable cooperation of the United States, which there is every evidence they would welcome, and whose tender by us would signalize one of those victories of peace "no less renowned than war."

The PRESIDENT pro tempore. The Senator from Minnesota will please suspend one moment while the Chair lays before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (S. 727) to promote the commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and steamers for Government use when necessary.

Mr. PETTIGREW. I ask that the pending order of business be temporarily laid aside that the Senator from Minnesota may complete his remarks.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Minnesota may conclude his speech. Is there objection? The Chair hears none. The Senator from Minnesota will proceed.

Mr. TOWNE. The history of the Filipino government is well known and is fully recorded in public documents. Aguinaldo, immediately after his return to the Philippines in May, 1898, issued a proclamation calling upon the Filipinos to rally about him, and stating that he proposed, as soon as possible, to set up a temporary dictatorial government, which should be in force until a regular constitutional government could be organized. (Senate Document



208, p. 89.) This dictatorial government was established by proclamation June 18, 1898. (Document 62, p. 432.)

He immediately proceeded to make good his promises for a representative government by sending out, on the 20th, instructions for the holding of elections (Document 62, p. 433), and on the 23d established by proclamation the "revolutionary government," with regular executive, legislative, and judicial departments. (Document 62, pp. 432-437.) This government was in force during the period after the overthrow of the Spanish rule and before the Americans definitely assumed the sovereignty of the islands; in other words, when the Filipinos were in a condition more free from outside influences than at any time for centuries, although the presence of large bodies of our troops and the unsettled question of the plans of our Government were unfavorable factors.

In August recognition from other governments was sought (Document No. 62, p. 438), but in vain. On January 23, 1899, the election of delegates having been completed, the constitution of the Filipino republic was adopted, and General Otis was requested to inform the Government at Washington accordingly, which he did in a dispatch dated January 27. (Otis's Report, pp. 84 and 85.) These successive steps proceeded orderly, and demonstrated extraordinary ability, as well as prudence and wisdom, in view of the difficulties of the situation. Of course, much authority was assumed and exercised autocratically, but not without a thousand precedents even in modern European history in analogous cases. On the whole, there was shown a remarkable disposition to advance as rapidly as possible to the status of a settled constitutional government.

The authority thus established levied, collected, and disbursed taxes with formal and business procedure; raised and maintained an army, whose organization, discipline, and operations were in accordance with modern customs and the rules of war; supported courts of justice, and carried on educational institutions of both primary and secondary rank. These facts are notorious, in spite of the fatuous and desperate denial of them by the advocates of the tyrannous policy now in force. They have again and again been exhibited in speeches in both Houses of Congress and are accessible in numerous public documents.

Authoritative testimony as to the character of this Filipino government is given by Hon. John Barrett, ex-minister of the United States to Siam, in an article in the Review of Reviews for July, 1899, which has been widely cited and quoted. I append an extract:

The government which was organized by Aguinaldo at Cavite and continued first at Bakoor and later at Malolos developed into a much more elaborate affair than its most ardent supporters had originally expected. By the middle of October, 1898, he had assembled at Malolos a congress of 100 men, who would compare in behavior, manner, dress, and education with the average men of the better classes of other Asiatic nations, possibly including the Japanese. These men, whose sessions I repeatedly attended, conducted themselves with great decorum, and showed a knowledge of debate and parliamentary law that would not compare unfavorably with the Japanese Parliament. The executive portion of the government was made up of a ministry of bright men, who seemed to understand their respective positions. Each general division was subdivided with reference to practical work. There was a large force of under secretaries and clerks, who appeared to be kept very busy with routine work.

The army, however, of Aguinaldo was the marvel of his achievements. He had over 20 regiments of comparatively well-organized, well-drilled, and well-dressed soldiers, carrying modern rifles and ammunition. I saw many of these regiments executing not only regimental but battalion and company drill with a precision that astonished me. Certainly, as far as dress was concerned, the comparison with the uniform of our soldiers was favorable to the Filipinos. They were officered largely, except in the higher positions, with young men who were ambitious to win honors, and were not merely show fighters. The people in all the different towns took great pride in this army. Nearly every family had a father, son, or cousin in it. Wherever they went they aroused enthusiasm for the Filipino cause. The impression made upon the inhabitants of the interior by such displays can be readily appreciated. Aguinaldo and his principal lieutenants also made frequent visits to the principal towns and were received with the same earnestness that we show in greeting a successful President.

Along with the army there was a Red Cross association, at the head of which were Aguinaldo's mother and wife. There were quartermaster and commissariat departments, which were well equipped, in view of the lack of experience of the men in charge. The American who thinks for a moment that we were or have been fighting a disorganized force labors under great error. It would be difficult to imagine the army of any European country being in better shape to fight us than that of Aguinaldo at the time of the outbreak on February 4, with the conditions of climate and country favoring them.

Many of the State papers of this Filipino government are models of elegant and forceful expression, showing wide acquaintance with the principles of international law; and the practical conduct of affairs under the conditions of their war with us, being cut off from the sea and opposed by overwhelming odds on land, as they have been, has exhibited most unusual qualities of courage, ability, and resourcefulness, even on the small scale of operations to which our power and vigilance have limited them. Such men as Agoncillo, Lopez, Tolentino, and, above all, Mabini, would creditably meet almost any emergency of administration in even the most advanced government, and would have dignified and ornamented the early struggles for nationality of any people known to history.

Sir, why can not we sympathize with men like these? Why must we oppose to their noble devotion to liberty the cruel indif-

ference so unaccountably manifested all about us by Americans inheriting the traditions of Washington and Adams and Lee and Jefferson and the principles of the American Revolution?

Our information about the local governments and social institutions in the Philippines is fortunately not less plentiful or reliable than that we possess of the central authority. No account of this character surpasses in interest and value that which we owe to Cadet Leonard R. Sargent and Paymaster W. B. Wilcox, of the Navy, who in October and November, 1898, traveled for more than 600 miles in the island of Luzon, carefully observing institutions and conditions as they went.

The report which, in obedience to an order from Admiral Dewey, they submitted to him November 23, 1898, was transmitted by him to the Navy Department with an indorsement that it contained "the most complete and reliable information obtainable" on its subject-matter. This report, together with other material from the same sources, was published as Senate Document 63, Fifty-sixth Congress, first session, and ought to be read by every citizen of the United States. Brief extracts from this document can do neither the report and articles nor the subject justice, but they will suffice to indicate the remarkable state of peace, order, and regular administration which prevailed in the interior of the country under Aguinaldo's government.

[From L. R. Sargent's article in the Outlook, September 2, 1899.]

It will be remembered that at that date (October and November, 1898) the United States had not yet announced its policy with regard to the Philippines. The terms of the treaty with Spain were being negotiated by our commissioners in Paris, and the fate of the islands hung in the balance. In the meantime the native population, taking matters in their own hands, had declared their independence from all foreign jurisdiction and had set up a provisional government with Aguinaldo at its head.

Although this government has never been recognized, and in all probability will go out of existence without recognition, yet it can not be denied that, in a region occupied by many millions of inhabitants, for nearly six months it stood alone between anarchy and order. The military forces of the United States held control only in Manila, with its environs, and in Cavite, and had no authority to proceed farther; while in the vast remaining districts the representatives of the only recognized power on the field were prisoners in the hands of their despised subjects. It was the opinion at Manila during this anomalous period in our Philippine relations, and possibly in the United States as well, that such a state of affairs must breed something akin to anarchy.

I can state unreservedly, however, that Mr. Wilcox and I found the existing conditions to be much at variance with this opinion. During our absence from Manila we traveled more than 600 miles in a very comprehensive circuit through the northern part of the island of Luzon, traversing a characteristic and important district. In this way we visited seven provinces, of which some were under the immediate control of the central government at Malolos, while others were remotely situated, separated from each other and from the seat of government by natural divisions of land, and accessible only by lengthy and arduous travel. As a tribute to the efficiency of Aguinaldo's government and to the law-abiding character of his subjects, I offer the fact that Mr. Wilcox and I pursued our journey throughout in perfect security, and returned to Manila with only the most pleasant recollections of the quiet and orderly life which we found the natives to be leading under the new regime. \* \* \*

[From L. R. Sargent's article in the Outlook, September 23, 1899.]

At the time of our journey the patriotic enthusiasm of the population was everywhere at its height. The boast of every inhabitant was the national army, whose organization was then being rapidly perfected. Commissions were eagerly sought by the young men of the higher class, and there were more volunteers for service in the ranks than could be armed or uniformed.

It was universally asserted that every preparation should be made to defend the newly won independence of the island against all foreign aggression. The older Filipinos, especially those of wealth and influence, declared their desire to give every support in their power to the cause, and were as much a part of the warlike movement as those who actually took up arms. The great majority of the latter, both officers and enlisted men, were extremely young. I have met a brigadier-general of 21 years of age, many captains of 18, and lieutenants of 15 and 16. Captain Natioidad, a particularly young officer of that rank, and a member of a prominent Luzon family, explained that it was the aim of his government to rest its defense in the field in the hands of those of its supporters who were at that age that is most forcibly swayed by the love of military glory. For the desperate encounters that might await its army in the future, it desired that sort of valor of which discretion is not the better part.

That the civil power should be placed in the same hands was a dangerous experiment, but at the same time a necessary one. The first object of the Filipinos had been to win their independence, the next to defend it. For both these purposes they had need of their best fighting material, and the selection was made accordingly. The result proved more fortunate than they had any reason to hope. While exercising absolute authority throughout the islands and governing entirely by military law, the leaders of the army appeared, nevertheless, to endeavor to mete out justice to all classes alike. They continued, moreover, to assert their intentions to relinquish their temporary power when the establishment of a permanent peace should make such a step possible, and gave most encouraging proofs of the good faith with which they spoke.

[From official report of tour through island of Luzon.]

43. We were hospitably entertained at Aparri. Two balls were given in our honor. The town has a population of 20,000 inhabitants. It has many handsome houses and several well-defined streets. The military force stationed here consists of 300 soldiers, in addition to which the harbor has the protection of the gunboat *Philippina*, which carries two guns of a caliber of about 3 inches. There are several officers here—three captains and five or six lieutenants. The colonel goes from town to town in his district and Commandante Leyba spends part of his time at Tuguegarao. There are no Spaniards here with the exception of two or three merchants. One of these, representing the company of the steamer *Saturnas*, we have met. He is pursuing his business entirely unmolested.

57. Of the large number of officers, civil and military, and of the leading townspeople we have met, nearly every man has expressed in our presence his sentiment on this question [of independence]. It is universally the same.



They all declare that they will accept nothing short of independence. They desire the protection of the United States at sea, but fear any interference on land.

This document 66 shows clearly that through all the settled portion of the island during the summer and autumn of 1898 the regular processes of local government were observed, taxes were collected and disbursed, education was supported, peace prevailed, with open recognition of the authority of the Filipino Republic.

Señor Lopez, in his letter to General Wheeler, says:

Practically all the islands sent emissaries, declaring their loyal support to Aguinaldo and his government. Even the Igorrotes and the Moros of central Mindanao, who never submitted to Spanish rule, have acclaimed our president and government, and the former has sent gold dust to Aguinaldo to assist in the prosecution of the present war. In addition to this, the provinces of the archipelago have elected representatives—in some cases by a unanimous vote—to our "asamblea," or house of representatives.

Then let this statement be remembered in connection with the cable message read from the desk this morning as to the readiness of certain Filipinos to accept fat-pay offices under a civil government to be established by the United States. Says he in this letter to General Wheeler:

It is true that certain Filipinos, within the sphere and under the domination of the American forces, have professed being favorable to American rule. Though I do not approve it, I can quite understand their attitude. When the British troops entered Bloemfontein many of the Free Staters professed being favorable to British supremacy. But, whatever may be the rights or the wrongs of the Boer dispute, I am quite sure that those Free Staters would much prefer Boer supremacy. The Filipinos in and around Manila are in precisely the same position as are the Free Staters in and around Bloemfontein. Take your army from the Philippines and you will soon discover whether the Filipinos are in favor of American rule.

Sir, there is excellent reason to believe that even at this day the existing Filipino government, low as it is in estate and migratory to some extent as to location, exercises a wide and respected authority in the Philippine Islands and is obeyed quite generally by the local authorities in the interior. The distinguished Senator from Colorado [Mr. TELLER] has declared, upon the sponsorship of a prominent Army officer of recent and competent experience there, that even now, in the districts removed from the actual occupation of our forces, the orderly processes of local government are everywhere going regularly forward and under the general, though possibly in many cases at present, nominal, supervision of the Philippine republic. Señor Fontela and Señor Lopez have personally assured me of the same state of facts.

Sir, there is not the slightest ground for believing that any appreciable impression has been made upon the determination of the Philippine people to resist us to the end. There is no evidence that any strong native pro-American element has any existence whatever. As the result of two years of wasting war, the expenditure of hundreds of millions of dollars of taxpayers' hard-earned money, the slaughter of thirty or forty thousand of the defenders of Filipino nationality, and the sacrifice of thousands of American lives, we occupy about one five-hundredth part of that archipelago. No district is really "pacified." We hold the ground our troops stand on; practically nothing more. Writing from Manila in August, 1899, Mr. John Bass, the able and accurate newspaper correspondent, said:

The whole population sympathizes with the insurgents, and only those natives whose immediate self-interest requires it are friendly to us. \* \* \* The sooner the people of the United States find out that the people of the Philippines do not wish to be governed by us the better they will be able to cope with the great problem out here.

This undoubtedly expresses the situation to-day as accurately as it did when written. The rosy hue of the reports set afloat in some quarters as to the progress of pacification there rapidly takes the dark complexion of unwelcome truth when the facts are investigated. The illuminating annual report of General MacArthur—which, by the way, seems, for so important a document, to be strangely inaccessible—has dispelled a vast atmosphere of illusions. Here are some of the things it says:

The bands of insurgent guerrillas are not soldiers in the true sense of the word; but it is a mistake to classify them as ladrones, or armed robbers. \* \* \*

The number of deaths in the Army has steadily increased, and a diminution of the death rate can scarcely be expected. The number of men shot from ambush by small guerrilla bands now exceeds those killed at any previous time, and as time proceeds and the men become more and more debilitated by the tropical service the more marked will become the ratio of deaths. For the six months from January 31 to July 31, 1900, there died 24 officers and 971 enlisted men, of whom 4 officers and 204 enlisted men were killed in action and 3 officers and 43 enlisted men died of wounds, the other deaths occurring from various diseases. This is an average of 4.7 daily. \* \* \*

The casualties arising from this irregular warfare in the American Army between November 1, 1899, and September 1, 1900, were 266 killed, 750 wounded, 55 captured; the Filipino losses for the same time, as far as of record, were 3,227 killed, 694 wounded, 2,864 captured. \* \* \*

The success of this unique system of war depends upon almost complete unity of action of the entire native population. That such unity is a fact is too obvious to admit of discussion; how it is brought about and maintained is not so plain.

Intimidation has undoubtedly accomplished much to this end, but fear as the only motive is hardly sufficient to account for the united and apparently spontaneous action of several millions of people. One traitor in each town would eventually destroy such a complex organization. It is more probable that the adhesive principle comes from ethnological homogeneity, which induces men to respond for a time to the appeals of consanguineous leadership even when such action is opposed to their own interests and convictions of

expediency. These remarks apply with equal force to the entire archipelago, excepting only that part of Mindanao occupied by Moros, and to the Jolo group. There is every reason to believe that all of the Moros are entirely satisfied with the existing conditions and are anxious to maintain them. [In reading this last statement of General MacArthur's, it should be remembered that the Sultan of Sulu and his datus are on our Government pay roll.]

During the campaign of 1900 it was a favorite accusation against the opponents of the Administration policy that they were keeping alive a smoldering "rebellion" in the Philippines; that but for the aid and comfort of our speeches and possible victory the armies opposed to the United States would vanish away, and the thin crust of popular disinclination would instantly break through, letting us into the affection and confidence of the Philippine people.

The newspapers and magazines made much of this foolish argument, and in many a pulpit where the gospel of the bullet has supplanted the Christianity of the Bible the pious anathema of a prudent priesthood rose to Heaven on the wings of prayer. But the election came and passed. The friends of justice to the Filipino were overwhelmed in defeat and the advocates of twentieth century conquest were almost equally overwhelmed with victory. What happened? The resistance to our arms increased. A strangely renewed activity was felt throughout the archipelago. The thing was inexplicable.

One correspondent, wiring from the far East some weeks after the election, said that it was probable the Filipinos had not heard how the election came out. They might, indeed, almost have been suspected of laboring under the temporary error that Mr. Bryan, their friend, had been elected President. But as time went on the military situation grew more and more alarming, even after there was no longer any doubt that the islanders had heard the truth. In the debate on the Army bill a few days ago a distinguished soldier, a member of the Committee on Military Affairs [Mr. SEWELL], in substance declared here that matters in the Philippine Islands had never been in a more serious and menacing condition.

How is this to be explained? Why, sir, the explanation is easy enough. These people are united in defense of an ineradicable belief in their sacred right to self-government. They are banded together against a policy of subjugation. Almost as one man they are answering the cry of "extermination or surrender" with another cry—a cry that has come echoing down through all our history, a cry which, to Americans of the olden faith, is as sacred still, even on the lips of the poor Filipino, as it was to our fathers when, above a century ago, it ascended, trumpet tongued, from the soul of Patrick Henry—the cry of "Liberty or death."

Mr. President, the resolution I have offered declares that this prayer for liberty ought to be granted. It is addressed to the reason, the conscience, the patriotism of this body. It predicates its demand, first, upon justice. I say that it is just to give independence to the Philippine people. It is just that we should give it to them because, at least in intent and form, we took it from them after they had won it. It is just, because men deserve liberty who so love it as to be ready to die for it. It is just, because a nation is a moral personality holding its life from God, and to take the life of a nation is to commit an infinite homicide.

The resolution next invokes the public welfare. The recognition of Philippine independence would vastly lessen the burdens and sorrows of our people. It would cut off the prodigal waste of revenues raised by growing taxation. It would save thousands of lives. It would tend to stop the present headlong tendency toward the magnification of the Executive. It would help to preserve the Constitution. It would vindicate the Declaration of Independence.

It would restore the old ideals of the Republic. It would permit us to turn our attention toward the solution of social and economic questions with which the ultimate happiness of the human family is concerned. It would give assurance of the final triumph of democratical institutions by demonstrating them to be able to resist the fatal allurements of empire, the rock on which every previous great experiment in self-government has finally been wrecked.

The resolution voices the sentiment of national honor. If we have wronged the Filipinos, we should hasten to make acknowledgment and reparation. Sir, I fail to see how any man, solicitous not only that his country should not suffer in fair repute, but also and especially that she should not deserve to do so, can review the history of our conduct toward the Philippine people without feeling an instant shame.

To take advantage of their confidence in our self-proclaimed championship of human liberty; to entertain designs against their freedom at the very time when they were aiding us, even with 5,000 of their lives, in our contest with Spain; to traffic in the character of liberator in order the more securely to plan and execute a treachery and a tyranny; to smile upon our allies and speak them fair and then to turn our arms against them for the prize, won by our joined valor, which, though we might make of it a bauble to hang at the belt of a barbaric empire, was still to



them "the immediate jewel of their souls." Senators, is this act to stand as the deed of the great Republic? Shall it be confirmed in fullness of knowledge and in cold and cynical deliberation? Is it ever too late to be just and honest? Can a wrong become respectable from sheer persistence in it? Is there a greater grace or a nobler strength in man or nation than to make generous atonement for an injury? "To treat at all," exclaims an eloquent Administration Senator [Mr. BEVERIDGE], "is to admit that we are wrong." To be sure it is, Mr. President. I propose to treat *because* we are wrong. It is nobler to get right than to remain wrong. Let us get rid of the creed of weak men and puny nations who fear a loss of prestige from an act of reparation and of justice. Let us do now what we should have done two years ago. Thus only may we regain the unwisely forfeited affection of the Filipinos; thus only shall we receive the plaudits of all friends of freedom everywhere; thus only must we restore the ancient honor of the Republic that never knew a stain till this.

Sir, the resolution proposes that the recognition of Philippine independence shall be upon conditions "conserving and guaranteeing the interests of the United States." There is no one, so far as I know, that wants this consideration omitted. No difficulty would be experienced in obtaining all needful cessions of naval and coaling stations, with rights of fortification, and ample guaranties for the protection of our commercial interests. The petition declares that if the United States recognizes the independence of the Philippines—

They could offer her a part of the revenues of the Philippine state, according to the treaty which shall be stipulated, the protection in the country of the merchandise of the United States, and a moral and material guaranty for American capital all over the archipelago; finally, whatever may bring greater prosperity to America and progress to the country will, we doubt not, be taken into account in the treaty which shall be celebrated.

This undoubtedly expresses the feeling of all those whose views would be influential in such negotiations. Says Sixto Lopez:

Do you want means to secure protection to life and property? Then take whatever means are necessary. Do you want to secure rights in lieu of services rendered to us? You shall have all that you demand. Do you want to see a stable government established in the islands? So do we. Come and help us, or come and supervise while we establish it for ourselves. Do you want repayment in whole or in part for the \$20,000,000 too hastily paid to a defeated foe? Do you want trade concessions? Do you require a basis of operations in the far East? Do you want coaling stations or any conceivable thing which we are able to give or find? Come and take all these things.

Sir, what more can we demand? Is it not clear that the way of duty is equally the path of profit? Do we need to own people in order to trade with them? Is it not better to allow our customers to live, to have their good will, and to leave them the means of payment, than to kill the strongest of them, to earn the hatred of the survivors, and to impoverish all by desolating war?

Do we sincerely wish to be of service to these people? Are we honest when we profess a consuming ambition to civilize them? If so, how better shall we do it—by policing upon them 65,000 or 100,000 keepers of the peace, forcing a sullen unwillingness into slavish compliance with some of our customs, and subjecting them to the pressure of an arbitrary and exterior government, or by trading liberty to them for security for ourselves, awakening the play of their natural forces by winning their regard, appealing to their self-respect, and relying on their appreciation of mutual advantage; and by developing their capacity of self-government through unfettered practice in the stimulating atmosphere of independent responsibility?

A subjugated nation that has fought to be free is like a proud-spirited man broken by cruelty and bound with fetters: either morose and revengeful or listless and hopeless. Both must be given liberty to find either happiness or progress.

Mr. President, the alternative is to me an object of disturbing contemplation.

Persistence in our present course involves, I fear, a plain renunciation of the mission of this country, an adoption of the methods of the empire—the sure precursor of the downfall of free governments in every age of the world.

I am fully aware of the habit of the defenders of the new policy to sneer at the word "imperialism" and to ridicule the charge that present tendencies are toward imperialistic methods in this Government. "Imperialism!" cried a distinguished Cabinet officer in the recent campaign, "Where is your emperor?" This, of course, was supposed to be a triumphant refutation of the charge. Sir, it is nothing of the sort. It is a pure evasion. It is one of many signs that numbers of people in the country are losing the power of moral discrimination and have reached a stage where words do duty for things.

In this easy philosophy the evil of a proposition is removed by a more agreeable statement of it. Consciences that recoil at "criminal aggression" applaud the same thing when it is called "benevolent assimilation." Men who would be horrified at the thought of participating in a highway robbery attended with murder become quite complaisant to the same thing if only it be done on a titanic scale and be dubbed "spreading civilization among the unprogressive nations." Millions of the most advanced and apparently most humane people in the world, who go

to church regularly and who, nominally at least, support the gospel of Christ, are advocates of this new Mohammedanism which would propagate faith with the sword.

Sir, you can have imperialism without an emperor, just as the Romans found that they could have a more than royal master though he did not wear the hated name of king. The imperialism we denounce is not the empty show and pageantry of place so much as the substance and fact of growing arbitrary power and a despotic system. It is quite possible for a President to be called always President and yet to become, by gradual assumptions of power not resented by the other branches of the Government and acquiesced in by the people, a ruler more absolute than kings.

History had many times illustrated the truth that "eternal vigilance is the price of liberty" before the great revolutionary patriot thus happily phrased the principle. It was regarded as the peculiar triumph of the illustrious statesmen who framed our Constitution that, by careful division and distribution of powers and a practical adjustment of "checks and balances," they had largely provided against the danger of the tyranny of any branch of the Government.

Actual experience has, in certain respects, compelled some changes in the interrelation of the parts, but the essential principle has been in the main preserved, at least until now. But as to the importance of the preservation of these limitations of power there has never been any question among the eminent statesmen of our history. So insidious is the danger thus sought to be guarded against that the most extreme and jealous care has been counseled as the only means of preventing aggressions that might grow into tyranny. Daniel Webster, in one of the greatest speeches he ever made, has most forcefully stated this necessity. Says Webster (in the Senate, May 7, 1834):

Whether the consequences be prejudicial or not, if there be an illegal exercise of power it is to be resisted in the proper manner. Even if no harm or inconvenience result from transgressing the boundary, the intrusion is not to be suffered to pass unnoticed. Every encroachment, great or small, is important enough to awaken the attention of those who are intrusted with the preservation of a constitutional government. \* \* \*

The necessity of holding strictly to the principle upon which free governments are constructed, and to those precise lines which fix the partitions of power between different branches, is as plain if not as cogent as that of resisting, as our fathers did, the strides of the parent country against the rights of the colonies; because, whether the power which exceeds its just limits be foreign or domestic, whether it be the encroachment of all branches on the rights of the people, or that of one branch on the rights of others, in either case the balanced and well-adjusted machinery of free government is disturbed, and if the derangement go on the whole system must fall. \* \* \*

Our security is in our watchfulness of executive power. It was the constitution of this department which was infinitely the most difficult part in the great work of creating our present Government. To give to the executive department such power as to make it useful and yet not such as should render it dangerous; to make it efficient, independent, and strong, and yet to prevent it from sweeping away everything by its union of military and civil authority, by the influence of patronage and office and favor—this, indeed, was difficult.

They who had the work to do saw the difficulty, and we see it; and if we would maintain our system we shall act wisely to that end by preserving every restraint and every guard which the Constitution has provided. And when we and those who come after us have done all that we can do, and all that they can do, it will be well for us and for them if some popular executive, by the power of patronage and party, and the power too of that very popularity, shall not hereafter prove an overmatch for all other branches of the Government.

Now, sir, I hold that the present policy of the Administration in the Philippines, with its undisguised purpose of the permanent retention of those islands as colonies or dependencies governed arbitrarily and as we please, is a bald imperialistic policy, contradictory of our whole theory of government, inharmonious with all our traditions, inevitably implicated with a vast and constant augmentation of the Executive power, and is the mischievous germ of a system ultimately destructive of our liberties and institutions.

No better definition of imperialism has been given, so far as I know, than that to be found in the resolutions adopted by the anti-imperialist convention at Indianapolis last August, as follows:

The struggle of men for freedom has ever been a struggle for constitutional liberty. There is no liberty if the citizen has no right which the legislature may not invade, if he may be taxed by a legislature in which he is not represented, or if he is not protected by fundamental law against the arbitrary action of executive power. The policy of the President offends the inhabitant of Porto Rico and the Philippines no hope of independence, no prospect of American citizenship, no constitutional protection, no representation in the Congress which taxes him. This is the government of men by arbitrary power without their consent; this is imperialism.

This system is the precise system practiced by the British Empire. It is exactly the thing against which our forefathers rebelled in order to form this Government. It is foreign to our institutions. So far from being in any sense consistent with the theory or the operation of this Republic, the fact is that this Republic had its birth in a protest against that very principle.

The republic is homogeneous; the empire is heterogeneous. The republic is a unit; the empire is an aggregation. The republic is composed of citizens; the empire rests on subjects. The republic thrills with one conscious and common life; the empire is a clash of unmuted aspirations. The republic means peace; the empire stands for war. The republic is a nation; the empire is a compulsory league of unequals.



Says the profound Mulford:

The nation has its immediate antithesis in the empire. The nation is formed in the freedom of the people as an organic whole, and it comprehends the whole in its action and end as a moral organism; the law of the empire, or the imperial principle, is the formation of the order of society in the subjection of the whole to an individual or a separate collection of individuals. In the empire there is strictly the realization of the freedom of only one or a few. The will of the people has no expression in it, and there is substituted in its stead the will of an individual or a class, to whom alone action is allowed. The government is not of the people, but apart from the people.

They are the subjects of it, but are not participants in it and have no place in its positive determination. \* \* \* The empire may conform to the physical being of the state, and has the conditions of an external order, but not of the development of the nation as a moral order. There is the action only of an imperial will, and its process is an imperial edict. There is in the people no evocation of a moral spirit, and no education of an individual character in them. The capacity of each is not called forth, and his powers are not awakened; he is in no immediate relation to the state. \* \* \* The life of the state is withdrawn from him, and its conduct is secret from him; he can not comprehend it, as in his individual existence he is not comprehended by it. There is thus no development of the individual personality, no moral life and spirit in the people. (The Nation, pp. 342, 343.)

Sir, the retention of the Philippines will commit us to the whole programme of empire. There is a law among nations, as Hamlet says there is among men, by which a bad appetite grows by what it feeds on. No nation in history has resisted it, and to every nation that has yielded to it it has brought disaster. Athens succumbed to it and perished. Rome indulged the mad ambition and followed it to her doom. It was the ruin of Venice. It will work the destruction of England, in my opinion, ere the close of this fateful century. Are we, with all the lessons of history before us, to prove the next victim of this insatiate passion, the greatest, most lamentable, most gratuitous sacrifice in all human tragedy?

Already we feel the virus in our veins. The President felt it first and itched for Luzon. The fever grew and the whole Tagalog and Visayan groups of islands were sacrificed. The temperature mounted higher and the Sultan of Sulu with his appurtenances was absorbed. The disease is fiercely contagious, and the whole Republican organism, at first unsympathetic to the *bacillus imperialis*, is at last fairly raging with the delirium. The other day, it having transpired that in some unaccountable manner a miscellaneous assortment of islands in the outer fringe of the delectable Jolo collection had escaped our drag-net at Paris, the majority of even this staid and self-possessed body bestirred itself with anxious voracity and swept them in.

Why are these last islands wanted? Forsooth, because "somebody else will eat them if we don't," and they are so near to the other islands of our polygamous empire as to imperil our security in that quarter. This is always the pretense. But, sir, Borneo is nearer to these last acquisitions than these are to the Sulu Islands. Must we now also seize Borneo, and then under the same compulsion stretch our scepter over Sumatra and Siam, and finally confront the autocrat of all the Russias on the far confines of middle Asia to battle for the bloody domination of the world?

This programme is not so fanciful as it may seem. In this assembly the sanguine eloquence of a distinguished Senator [Mr. BEVERIDGE] exclaims:

The Philippines are ours forever. \* \* \* And just beyond the Philippines are China's illimitable markets. \* \* \* We will not abandon our opportunity in the Orient.

The chief law officer of the Government urges, in an argument in the Supreme Court:

As to the future, we must consider the possibility, not the probability, of the acquisition of Egypt, the Soudan, Central Africa, China, or a spot in the Antarctic circle.

And the next Vice-President of the United States declares in a political address that we must not abandon "our part in the world's work," afterwards indicating the nature of this work by instancing its performance by France in Algiers, by England in the Soudan, and by Russia in Turkistan.

It is related by Plutarch that when Pyrrhus was called into Italy by the Tarentines to lead a coalition against Rome, his old and trusted counselor, Cineas, observing the workings of ambition in him, asked him what he proposed to do when the gods had given him victory over the Romans. In substance, the answer of the great general and king was that Sicily lay invitingly near to Italy and would offer the next field of conquest. "And what next?" asked Cineas. "Then," said Pyrrhus, "it would be easy to reach and overthrow the Carthaginian power." "And what next?" "Next, we could turn back and have all Italy at our feet." "And what next?" "Next, we could return to Greece and Macedonia and be masters of the world." "And then?" "Well, then," said the monarch, "then, we should sit down and eat and drink and be merry." "Sire," queried the counselor, "why should we not sit down now and eat and drink and be merry?"

It is not the mission of this Republic to eat and drink and be merry, Mr. President; at least, not yet. But it is the mission of the Republic to solve the still unsolved riddle of successful government, to establish a social system that shall do approximate justice to all men and all women and all children; that shall turn the marvelous wealth-creating capacity of society to the ministra-

tion of general comfort and pervasive happiness; that shall minimize the woes of the race and furnish the most favorable atmosphere for the perfection of human character.

What "pomp and circumstance of glorious war," based on blood and tears and squalor, can challenge admiration equally with such an aim as that? Sir, I hold it little short of a crime to call the people of this nation off to the futile and ruinous pursuit of wanton conquest at just the time when these great problems of taxation, of money, of labor, of education, of social order, of the distribution of wealth, and the countless other questions intimately related to the welfare of man in a settled social state, are pending before a society better qualified and better circumstanced to solve them than any preceding society in the world. These problems must be faced some time. Why, to paraphrase old Cin-eas, should we not face them now?

This policy favors the growth of the executive department of the Government at the expense of the others, and opposed to democratic principles. It involves singleness of authority, celerity of action, secrecy of purpose, irresponsibility; all contrary to the necessary methods of self-government. It begets a superficial admiration for "strong government," and "simple government," which are absolutely inconsistent with liberty. Let me again quote words of wisdom from the speech of Daniel Webster, already cited:

Nothing is more deceptive or more dangerous than the pretense of a desire to simplify government. The simplest governments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority, and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions.

The spirit of liberty is, indeed, a bold and fearless spirit; but it is also a sharp-sighted spirit; it is a cautious, sagacious, discriminating, far-seeing intelligence; it is jealous of encroachment, jealous of power, jealous of man. It demands checks; it seeks for guards; it insists on securities; it intrenches itself behind strong defenses, and fortifies itself with all possible care against the assaults of ambition and passion.

It does not trust the amiable weaknesses of human nature, and, therefore, it will not permit power to overstep its prescribed limits, though benevolence, good intent, and patriotic purpose come along with it. Neither does it satisfy itself with flashy and temporary resistance to illegal authority. Far otherwise. It seeks for duration and permanence. It looks before and after; and, building on the experience of ages which are past, it labors diligently for the benefit of ages to come. This is the nature of constitutional liberty, and this is our liberty, if we will rightly understand and preserve it. Every free government is necessarily complicated, because all such governments establish restraints, as well on the power of government itself as on that of individuals.

A President can not be at one and the same time a constitutional chief magistrate and an autocrat—a President in America, with imperial powers in the Orient. Bryce, in his *Holy Roman Empire*, in describing the evolution of imperialism at Rome, states a phenomenon universal under similar circumstances:

Republican forms had never been known in the provinces at all, and the aspect which the imperial administration had originally assumed there soon reacted on its position at the capital.

This imperialization, if I may use the word, of the Roman State began, as Mr. Bryce points out, by making use of the senate which, while in fact only registering the will of the emperor, seemed, because of the continued observance of customary forms, to be preserving its ancient constitution. Gradually, however, the senate, through the use of patronage and the corrupting influence of wealth, whose pursuit had become the passion of the higher classes in the nation, relinquished its old authority, next lost even its prestige, and became confessedly a mere dependent and servile agent of whatever puppet the Pretorian guard permitted, for its own power and enrichment, temporarily to wear the purple.

Mr. President, I hope I am no mere alarmist, and I do not wish to convey the impression that in my opinion the present policy will at one fell swoop convert this Republic into an empire in fact. But I do say that the seeds of empire lurk in this policy and that time and favoring environment will and must bring them to their flower and fruit unless we make a seasonable prevention. The methods now practiced in the Philippines are the methods of the empire. A commission there, whose fountain of power is the President alone, is exercising legislative, executive, and judicial functions, issuing edicts and making statutes, so that within the physical limits of its authority it may be said to-day, as truly as it was said by the old jurisconsult in the days of Roman imperial absolutism, "*Quidquid placuit principi, id est lex*"—the law is the will of the prince.

Already, Senators, the power of the Executive has become the preponderant force in our governmental machinery. Its growth, even within a few years past, has been alarming. We may see it in many things. It is often apparent in the reliance placed here on the argument in support of a bill that "it has the approval of the Department." It was, to my apprehension, alarmingly exhibited by the passage of the Army reorganization bill this session. It was stated on the floor that the bill had been drawn by the Department, and that fact was again and again appealed to in securing the defeat of amendments calculated to war the executive symmetry of the measure.



That bill was palpably drawn in the interest of an army establishment, an establishment that hopes to become an institution. It vastly increases the official framework of the machine; it narrowly restricts promotions to regular avenues; it gives to the President of the United States discretionary power to determine whether the Army shall consist of some 50,000 men or of, approximately, 100,000. It clearly contemplates that in the future our military reliance is to be chiefly upon a regular standing army and not upon volunteers.

This, sir, is ominous. It would have been impossible five years ago. There is no country in the world where so little need of a large standing army exists. We have no hostile armed neighbors. The world could not combine and come to us with force enough seriously to tax our volunteer and militia resources. If, as is sometimes darkly hinted, we need a vast military array to control domestic violence, let me say that if half the care and a tithe of the money spent in devising means to quell domestic violence by force were bestowed upon an honest attempt to find and cure the causes of such disturbance the peace of society would be infinitely more secure.

Take the very case of the Philippine Islands. Even upon the constitutional theory that we may hold and govern dependencies, the power is supposed to be lodged in Congress. But the leadership of Congress has exhibited no policy on the subject. Not only so, but it disclaims having any policy. It even declares itself, as in the speech of the distinguished and able Senator from Montana [Mr. CARTER], the other day, as presently unable to formulate a policy.

Suppose it to be true, as urged by him, that the reason for this is that Congress has not the requisite information at this time to enable it to act, may we not answer that there is no reason why it can not have as much information as the President can have? But even if this be not true, does not the situation exhibit the central vice of the whole theory of colonies and dependencies, namely, that it inevitably aggrandizes the Executive?

The vast patronage of the Presidency, to be almost immeasurably increased, should this policy be persevered in, by Army and Navy appointments and by places in the colonial administrations, taken in connection with the fact, whose significance in many ways has not, I think, been fully appreciated, that in our political system the President is the head of a great party organization, which when in power is bent on increasing its means of self-perpetuation, and whose Congressional and Senatorial members are by their very relation toward the Executive converted into abettors rather than critics of Executive usurpation, makes the danger I am pointing out a very real one and a constantly increasing one.

Already this development has reached a stage that few men realize without stopping to think about it. It has been well set forth recently in an article by one of the acutest observers whose duties make them habitual students of governmental affairs, the newspaper correspondents, to whose mingled thoughtfulness and charity public men rarely acknowledge their obligation. In a communication to Collier's Weekly of December 15 last, Mr. Walter Wellman says:

This is the Congressional programme. Who made it? That is a natural but a leading question. In reply it is necessary to point out the three great forces which actually control legislation at the present time in the American Parliament. These may be catalogued as follows:

1. The President of the United States.
2. A coterie of old Senators, chairmen of the principal committees, nearly all of them of the dominant party, but with one or two leaders of the opposition taken in as "silent partners."
3. The Speaker of the House and his immediate staff, consisting of four or five heads of leading committees and members of his Committee on Rules.

The relative importance and influence of the three forces is in the order given above; though to bring out the true values the one first named should be printed in capital letters, the second in modest italics, and the third in unobtrusive though not wholly negligible small-point Roman. There may be some surprise at this statement. Other notions prevail out in the provinces. Certainly our forefathers would be amazed at it. We have just been celebrating the centennial anniversary of the establishment of the Government at what was then a marshy, scrubby stretch along the banks of the Potomac.

Our forefathers were wise men in their day and generation, and so they placed their Capitol exactly a mile and a half from their "President's house," so that the intervening distance should make it difficult, if not impossible, for the Executive to exert undue influence upon the legislative department. It is not worth while to laugh at our forefathers. There were no telephones, telegraphs, automobiles, electric cars, in their day, nor dreams of any.

Our business is with the present; and in these days the second and third forces named in the foregoing list openly, habitually, almost proudly, draw their inspiration from the first. When our ancestors laid out this beautiful capital city, they made all roads lead to the Capitol; but they were not prophetic, or they would have avoided that mistake and made all roads lead to the White House. That is what they do now, and the paths are well trodden.

To-day it is true that nothing of importance has initiative molding, dressing, or completion in the Halls of Congress unless it has first been considered, discussed, and approved at the other end of the avenue, whose mile and a half stretch the good men of the past thought was going to be such a wholesome barrier. Centralization is the order of the day in this practical, business-like country of ours; and nowhere else is it so strikingly shown as in the way in which policies are framed and laws written and enacted at the seat of Government. Our system of Government by party has gradually enhanced the power of the man who stands at the head of the party and of the Government at the same time.

Sir, if what I have said conveys even an approximately correct

idea of the present state of the supposed "balance" among the coordinate branches of the Government, is not the proposed policy of irresponsible and arbitrary rule in the Philippines a matter of immediate and overwhelming concern from the standpoint of our own constitutional liberties?

Senators may grow eloquent over the prospects of a great commerce in the East, which, I maintain, we can more securely and more profitably develop through friendly arrangement with a Philippine republic than through the forcible exploitation of an oriental dependency; and may please their fancy with dreams of conquest and military glory which involve a departure from every ideal of our history, but to me the preservation of our constitutional system as the framework of realized political freedom and the pledge of the world's future progress is an object of supreme importance. In the language of Webster:

Other misfortunes may be borne or their effects overcome. If disastrous war should sweep our commerce from the ocean another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt.

But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security, and public prosperity? No; if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful, a melancholy, immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art, for they will be the remnants of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

Mr. President, the observations I have thus far submitted apply respectively of the view which shall come to be authoritative touching the constitutional power of Congress and the President in the government of dependencies. That great question is now before the highest tribunal in the world. Even that exalted jurisdiction never, in my opinion, has entertained an inquiry of such sweep and consequence as this.

I shall not now at length discuss the constitutional aspects of this subject, but I will confess my inability to doubt that the decision of the Supreme Court will sustain the contention that neither the President nor Congress, both of which are created by the Constitution and have obtained no power from any other source, can by any possibility exercise authority not conferred by that instrument; that without the Constitution there would be no Government of the United States; that therefore the Government of the United States can be nowhere without the Constitution, and that if the Government of the United States goes to the Philippine Islands, the Constitution must go with it; that the Constitution establishes a government of limited and circumscribed powers, a delegated agency for specified purposes, the residuary and original sovereignty of the nation remaining in the people; that therefore the argument so frequently heard in this Chamber, and even urged by the Attorney-General before the Supreme Court, that, if the foregoing principles are true, then "this nation can not do what other nations can do," is an absolute begging of the question, a perfect inversion of the rule of constitutional interpretation universally adhered to for more than a hundred years; that while this "nation," if its reason and conscience approve, can do what any other "nation" in the world can do if it chooses to do it and sets about it in the proper way, yet this "Government" can not do anything at all except what the people in its organic law have authorized and prescribed; and that, therefore, if this Government wants to play the tyrant in the arbitrary rule of unwilling races, it must go to the people and obtain the necessary grant of power to do it through a constitutional amendment; that our forefathers broke away from a colonial status in order to form this Government and that, therefore, it is opposed to reason and common sense to think that they would have framed a system whereunder the possession and administration of colonies should be left to inference; that if these men had contemplated the exercise of so momentous and, in their view, so dangerous an authority under the Constitution they were making, they would have devoted to it a separate article, or at least an appropriate paragraph, in that instrument, carefully defining the grant, and providing guaranties against its abuse; and that patriots and statesmen who were founding, as they fondly hoped, a republic for the ages, and who in the Constitution referred even to slaves as "persons held to service," could not have intended to hide away a whole system of dependent governments and the rights and happiness of millions of human beings, in a purely incidental clause referring to "territory and other property."

Sir, this new policy is advocated by some men because, as they contend, we need the discipline of war. I deny it. I affirm, on the contrary, and I appeal in confirmation of my statement to all past and present history, that war in and of itself is an awful and unmatched calamity, and in no respect more so than in its effect on the character and morals of men. Mere slaughter is never glorious. Only the justice of the cause for which men have fought



when liberty has been at stake has redeemed the horror of it. The noble sentiment aroused by such a cause has glorified even the awful means by which it has thus far been found necessary to support and defend it. Those means have always been deplored by humane and just men who have been compelled to use them.

How true this is may be seen in every single case where war is waged for greed or power, and when the soldiers engaged in it are not sustained and animated by lofty enthusiasm or generous sentiment. They will either shun the service or they will become "subdued to what they work in, like the dyer's hand." "War," declares Vereschagin, who painted it so truly that Von Moltke commanded his soldiers not to look upon the artist's canvases, "war is the opposite of humanity." "War," said General Sherman, "is hell." All its repulsive features are magnified by an ignoble cause. Writing from the unblest fields of the South African campaign, a British officer has said:

One of the greatest calamities of war, especially a prolonged war, is the moral degeneracy that sets in among the combatants; and I fear that this is sometimes even more marked among the victors than among the vanquished, for, flushed with triumph, they believe they have a right to trample to any extent on a prostrate enemy. Years of civilization and peace teach men to respect the lives and property of others, but a few months of war seem to scrape off this veneer of virtue and return them to their primitive savagery.

This is profoundly true; and when we read in the accounts of our operations in the Philippines how the American soldiers customarily speak of their pursuit of the enemy as "hunting niggers," how upon one occasion a company hemmed in 60 Filipinos at a bend of the Pasig River and shot them to death in spite of their prayers for quarter (and I have talked with a man who saw it); or how, at another time, a detachment of troops surrounded a native house where a wedding ceremony was being celebrated, set the building on fire, and then shot the escaping guests of both sexes—I say when we read or hear of such ineffably tragic things as these, is it possible we can still prate about our "mission of friendship," our "benevolent intentions," our "Christian duty," or of the glory of such deeds of arms?

Out, out upon it, for an infamous delusion. God speed the day when the American people, whose annals blaze with records of unequalled heroism, and who again, and always, if some great cause demand it, would freely pay with life itself the price of its defense, shall have the moral courage to do their civic duty—a rarer thing than to face, undaunted, the cannon's mouth—and with their sovereign voice declare that this unholy war for greed and empire shall be stopped, and that no soldier of the United States shall ever again in all our history be sent to other lands to war on people fighting for their liberty. [Applause in the galleries.]

The PRESIDENT pro tempore. If applause is repeated in the galleries, the galleries will be cleared by the Sergeant-at-Arms. It is not permitted under the rules of the Senate.

Mr. TOWNE. Sir, the time has other duties. I shall not willingly cease to dream of a twentieth century devoted to the demonstration, the first and only one in history, that a "government of the people, for the people, and by the people" need not "perish from the earth." There is an inspiration in the thought that to our beloved country may be reserved the culminating glory of the ages in crowning with success the long experiment of righteous self-government.

We stand here at the end of mighty years,  
And a great wonder rushes on the heart.  
While cities rose and blossomed into dust,  
While shadowy lines of kings were blown to air—  
What was the purpose brooding on the world  
Through the large leisure of the centuries?  
And what the end—failure or victory?

Lo, man has laid his scepter on the stars,  
And sent his spell upon the continents.  
The heavens confess their secrets, and the stones,  
Silent as God, publish their mystery.  
Man calls the lightnings from their secret place  
To crumple up the spaces of the world,  
And snatch the jewels from the flying hours.  
The wild white smoking horses of the sea  
Are startled by his thunders. The World Powers  
Crowd round to be the lackeys of the king.  
His hand has torn the veil of the Great Law,  
The law that was made before the worlds—before  
That far First Whisper on the ancient deep;  
The law that swings Arcturus on the north,  
And hurls the soul of man upon the way.  
But what avail, O builders of the world,  
Unless ye build a safety for the soul?  
Man has put harness on Leviathan,  
And hooks in his incorrigible jaws;  
And yet the Perils of the Street remain.

Out of the whirlwind of the cities rise  
Lean Hunger and the Worm of Misery,  
The heartbreak and the cry of mortal tears.

But hark, the bugles blowing on the peaks;  
And hark, a murmur as of many feet,  
The cry of captains, the divine alarm!  
Look, the Last Son of Time comes hurrying on,  
The strong young Titan of Democracy!  
With swinging step he takes the open road,  
In love with the winds that beat his hairy breast.

Baring his sunburnt strength to all the world,  
He casts his eyes around with Jovian glance—  
Searches the tracks of old Tradition; scans  
With rebel heart the Books of Pedigree;  
Peers into the face of Privilege and cries,  
"Why are you halting in the path of man?  
Is it your shoulder bears the human Load?  
Do you draw down the rains of the sweet heaven,  
And keep the green things growing? . . . Back to Hell!

We know at last the Future is secure:  
God is descending from Eternity,  
And all things, good and evil, build the road.  
Yes, down in the thick of things, the men of greed  
Are thumping the inhospitable clay.  
By wondrous toils the men without the Dream,  
Led onward by a Something unawares,  
Are laying the foundations of the Dream,  
The Kingdom of Fraternity foretold.

—Edwin Markham's *Century Poem*.

[Manifestations of applause in the galleries.]

#### INDIAN APPROPRIATION BILL.

Mr. THURSTON. I ask unanimous consent that the unfinished business may be further temporarily laid aside and that the Senate proceed to the consideration of the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nebraska asks that the unfinished business be further temporarily laid aside and that the Senate proceed to the consideration of the bill known as the Indian appropriation bill. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. HOAR. I desire to make an appeal to the Senator from Nebraska that, the appropriation bill now being up, the Senate may lay that aside also informally and take up the judges' salary bill. The appropriation bills of course are absolutely certain and safe, and it is desirable that that bill, which I am informed will not take a very long time, should be disposed of at an early day.

SENATOR FROM MINNESOTA.

Mr. NELSON. Mr. President. I rise to a question of privilege. I present the credentials of Moses E. Clapp, Senator-elect from the State of Minnesota.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of Moses E. Clapp, chosen by the legislature of the State of Minnesota a Senator from that State to fill the vacancy caused by the death of Hon. Cushman Kellogg Davis in the term ending March 3, 1905, were read and ordered to be filed.

Mr. NELSON. I ask that the Senator-elect may be sworn.

The PRESIDENT pro tempore. The Senator-elect from Minnesota will present himself at the desk and take the oath required by the Constitution.

Mr. Clapp was escorted to the Vice-President's desk by Mr. NELSON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

SENATOR FROM NORTH CAROLINA.

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of election of the Senator-elect from North Carolina, which will be read.

The Secretary read the credentials, as follows:

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT.

To the President pro tempore of the Senate of the United States:

This is to certify that on the 23d day of January, 1901, Furnifold McLendel Simmons was duly chosen by the legislature of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1901.

Witness: His excellency our governor, Charles Brantley Aycock, and our seal hereto affixed, at Raleigh, this 23d day of January, in the year of our Lord 1901.

CHARLES B. AYCOCK,  
Governor.

By the governor:  
[SEAL.]

J. BRYAN GRIMES,  
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. McCOMAS. Mr. President, I desire to make a motion that the credentials be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The Senator from Maryland moves that the credentials of the Senator-elect from North Carolina be referred to the Committee on Privileges and Elections.

Mr. COCKRELL. For what reason?

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland.

Mr. COCKRELL. I should like to know from the Senator for what reason? Is there any informality about the credentials?

Mr. McCOMAS. I think it well to have the inquiry. It may not be necessary, but I think it should go to the committee. It may come back speedily.

Mr. HOAR. Mr. President, I hope the action proposed by the Senator from Maryland will not be adopted without serious consideration and for some very grave reason. The people of the United States have a right, if they see fit, through their legislatures, to change the political complexion of this body once in two



years, and any assumption whatever of authority by the Senate before the 4th of March over the title of the seat of a Senator whose commission is for the period after the 4th of March will introduce a very dangerous condition of things.

I suppose that the credentials of Senators who are to enter upon their office after this Congress is over are ordinarily laid before the Senate merely for information and for safe custody, and I trust, unless there be some very peculiar reason, that the Senator will postpone his motion until this Congress expires. Any single Senator has the right, as we all know, to request, when a Senator-elect presents himself for the oath, that he shall stand aside until there has been action by the body.

Mr. CHANDLER. Mr. President, I wish to confirm what the Senator from Massachusetts says. I understand that credentials are presented prior to the 4th of March and placed on file merely as a notice, merely as a matter of public information, and that it is not customary and would not be appropriate for the Senate to take any action in reference to credentials which are not to take effect until the 4th of March.

I also wish to say that I conceive it to be entirely proper for the Senator from Maryland or any other Senator, if he sees fit, for the sake of the same object—public notoriety, public information—to give notice that there will be, upon the 4th of March, objection to the swearing in of a Senator. Beyond that, nothing whatever can be done.

The Senate is a continuing body on one theory, but it ends on the 4th of March on another theory. Therefore, all that is done, either by way of the presentation of credentials or by way of giving notice that there will be objection to the taking of his seat by any member who may have been elected, is merely a method of communicating public information to the Senate and to all the world.

Mr. McCOMAS. Mr. President, the motion that I have made accomplishes what I desire by making the motion. The two Senators from North Carolina are now absent. I noted their absence when the credentials were read. I desire that any step to be taken by them may have the opportunity to be taken, and so I made the motion. With the statement by the two members of the committee, the chairman and the former chairman of that committee, that the rights are reserved, and the Senators from North Carolina will now, or later, have any opportunity they may wish, if they desire any—and I do not say they do—I will now withdraw the motion.

The PRESIDENT pro tempore. The motion is withdrawn. Several Senators addressed the Chair.

Mr. HALE. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Maine asks for the regular order. The regular order is the Indian appropriation bill.

#### THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. Mr. President, I rise to a question of privilege. After consulting with the Senator in charge of the pending bill I call up the conference report on the Army reorganization bill. I think it will not take any time. All that is necessary now, in my judgment, is to disagree to the report.

The PRESIDENT pro tempore. In the opinion of the Chair the report of the committee of conference is privileged because it was presented a day or two since, and no question of consideration was raised. It is simply on the table. The Chair holds that it is privileged, and lays before the Senate the conference report on the bill, which will be stated.

The SECRETARY. A bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. The question is on agreeing to the report.

The PRESIDENT pro tempore. Will the Senate agree to the report?

The report was disagreed to.

Mr. HAWLEY. Now let the House be invited to meet us in conference.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate further insist on its amendments to the amendment of the House to the bill and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL were appointed.

Mr. PENROSE and others addressed the Chair.

Mr. THURSTON. I will yield for morning business only.

Mr. HALE. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Maine demands the regular order, which is the Indian appropriation bill.

Mr. PENROSE. I hope the Senator from Maine will not insist on that. I have an amendment to offer to a bill which is now being considered, and I should like to offer it now. I ask unanimous consent to offer the amendment.

Mr. HOAR. Mr. President, I rise to a question of order. I submit that the mere offering of amendments to appropriation bills is, under the rules, always in order.

Mr. HALE. Not when anything else is up.

Mr. HOAR. Yes; to give notice of an amendment. It is the universal practice of the Senate.

Mr. HALE. Of course the rule of the Senate is that all such matters shall come in as a part of the morning business. We depart from that and by unanimous consent we allow matters to come which are strictly a part of the morning business. The regular order shuts all those out. I have no disposition to interfere with Senators who wish to submit amendments. I will withdraw the call for the regular order. The Senate is as much interested in it as I am.

#### MONONGAHELA RIVER BRIDGE.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 5014) to authorize the Fourth Pool Connecting Railroad Company to construct and maintain a bridge across the Monongahela River; which was referred to the Committee on Commerce, and ordered to be printed.

HON. CHARLES A. TOWNE.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to the Hon. CHARLES A. TOWNE, the sum of \$82.20, being the compensation of a Senator of the United States for six days, January 23 to 28, 1901, during which he served as a Senator from the State of Minnesota.

Mr. GALLINGER subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution without amendment; and it was considered by unanimous consent.

Mr. TELLER. I simply wish to say that I do not think it is necessary to pass any such resolution. I want to challenge it so that it shall not be a precedent in the future.

The PRESIDENT pro tempore. The question is on agreeing to the resolution reported by the Senator from New Hampshire.

The resolution was agreed to.

C. W. DRAPER.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to C. W. Draper the sum of \$24.97, being the salary of clerk to a Senator of the United States for six days, January 23 to 28, 1901, during which time he served as such clerk to the Hon. CHARLES A. TOWNE.

Mr. GALLINGER subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution without amendment; and it was considered by unanimous consent, and agreed to.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

Mr. THURSTON. Mr. President, the pending question is on the amendment on page 46, beginning at line 4:

For completing the necessary preliminary investigations and plans and estimates of cost in detail for the construction of a dam across the Gila River near San Carlos, Ariz., etc.

Mr. SPOONER. I move to amend the amendment by inserting what I send to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. On page 47, after line 16, insert:

And the Secretary of the Interior is authorized and directed, out of the appropriation immediately preceding, to cause to be made by competent engineers an investigation and report as to whether an adequate water supply for the Indians upon said reservation can be obtained by the method recommended by Indian Inspector Walker H. Graves, in his report dated Pima Indian Reservation, Ariz., September 12, 1900; and if so, at what cost.

Mr. THURSTON. I think there is no objection to that amendment.

Mr. PLATT of Connecticut. Will the Senator allow another amendment?

The PRESIDENT pro tempore. Without objection the amendment of the Senator from Wisconsin to the amendment will be agreed to.

Mr. PETTIGREW. Mr. President, I do not agree to that amendment without consideration.

The PRESIDENT pro tempore. The amendment to the amendment is still before the Senate.



Mr. PETTIGREW. I should like to have the whole amendment read. I want to know what the effect of this amendment is. If some one will explain it, very well.

Mr. THURSTON. I think the only effect of it is to broaden a little the terms of the investigation to see if in addition to what we provide for they can produce a supply of water by the other system of substrata irrigation.

Mr. TELLER. It can not be done.

Mr. THURSTON. In my judgment it does not exchange the existing appropriation or the purpose for which it is made.

Mr. PETTIGREW. I think it does, because if the Secretary of the Interior is opposed to the system, he may send some engineer who will report in favor of subirrigation, and we will fail with that experiment, as the Senator from Nebraska knows very well that it can not help but fail. Therefore the investigation is unnecessary. All the testimony shows that it will fail.

Mr. THURSTON. The reason why I had no objection to the amendment is that I am so thoroughly satisfied that the idea of a continuous source of water supply from the strata below the river bed is all exploded, that I do not believe there is a waterworks engineer, an irrigation engineer, in the United States, of any standing, who would ever report in favor of such a scheme. I am perfectly willing, for my part, to see him investigate it, if he wants to do so, and let us see what he says.

Mr. STEWART. I hope he will not confine his investigation to that particular locality. I hope he will extend it and go to the Platte River and other places where the plan has been tried thoroughly and failed. I hope he will become thoroughly informed, as the public is, before he makes his report.

Mr. PETTIGREW. Mr. President, I will state the situation exactly. At the point where we propose to build the dam under this amendment—the San Carlos dam—the river is confined between rock banks, with solid rock bottom. All the subirrigation there is below that point is what is contained in the gravel beds under the river; and the moment they are exhausted subirrigation ceases—there is no question about it—until those reservoirs are filled again. No one knows how long it will take to fill them; how impervious the strata were through which the percolation occurred which filled them before; and of course every engineer who has any ability or conscience will take into consideration this fact in his investigation.

There is no doubt but that if we undertake a system of subirrigation these reservoirs will be exhausted, and when exhausted the scheme is a failure, as it has been on the Platte River and everywhere else in the world where it has been tried. But there is danger that with the adoption of this amendment an engineer unfamiliar with irrigation, who has failed to investigate these questions, will go there and by soundings discover there is a reservoir of water, and immediately report that that scheme is feasible, and thereupon report in favor of it, to the abandonment of the project which will give to these Indians a permanent supply of water and a permanent chance for living. I can see no good purpose in the adoption of the amendment to the amendment under these circumstances.

Mr. SPOONER. Mr. President, this is a very simple proposition. The Senator from Nebraska may be right and the Senator from South Dakota may be right, that no system of irrigation except the one proposed by the construction of a dam will be at all efficient. I doubt if they are right. It does not follow at all, I suppose, because the underflow as a basis of irrigation has failed in some parts of the United States or on some streams that it would necessarily fail here.

If this proposition is intended solely or mainly for the benefit of these poor Indians; if there is in it no purpose ulterior—and if there is any ulterior purpose it is the primary purpose simply disguised so far as it relates to the supply of water to the Indians—there is no relevancy in the suggestion made by the Senator from Nevada that this engineer should make investigations in other parts of the United States.

I suppose the object is—at any rate, some of my sympathetic lady constituents have been so convinced; how, I do not undertake to say—to protect the poor Indians on that reservation from starvation and destruction because of the appropriation by the white settlers above the reservation of the water supply. The Senator from Connecticut [Mr. PLATT] on Saturday called attention to the report of Walter H. Graves, United States Indian inspector, in which he estimates that the cost to the United States of the work which will be provided for necessarily by Congress if this investigation is confined, as the Senator from South Dakota [Mr. PETTIGREW] would have it, in constructing the main dam, the supplemental dam, and the subsidiary works, will be five or six million dollars.

I understood the Senator from Nebraska [Mr. THURSTON] to say, on Saturday, that in his judgment the work would cost at least \$2,000,000. I take it, Mr. President, that no one would be willing, even with the spirit of extravagance which seems to be now almost without limit in the way of appropriations, to appro-

priate \$2,000,000 to furnish an adequate supply of water to the Indians on that reservation, if they can be supplied adequately at a very much smaller cost.

This agent, who from his report has had experience in the matter of irrigation and experience in connection with the utilization of the underflow, says:

That there is an inexhaustible supply of water underlying the valley of the Gila there can be no possible doubt, for it has been disclosed in scores of instances and places on the reservation as well as outside of it, both above and below, and it is to be found not only underneath the bed of the river and in the vicinity of it, but for some distance away from it, on both sides. It is found at various depths, in some places quite at the surface and at others some distance below it, allowing for relative difference for elevation, which indicate that it is forced up at places, and follows the undulations of an impervious underlying stratum of rock or hardpan. It is evidently not in a static condition; therefore it is in reality an "underflow," for wherever encountered it is nearly always observed to be flowing either toward the river or in the same direction as the river.

It comes to the surface at frequent intervals in the bed of the river channel and near-by places, in the shape of swamps, pools, ponds, springs, and in some instances running streams. Of course it is not a sheet of flowing water overlaid by a stratum of surface soil, but a saturated subsoil of sand and gravel, porous enough to permit the water to percolate freely through, and overlying an impervious formation of rock or other material, and which, although irregular of surface, has the same general slope and fall as the country, permitting the water to flow down the valley underground; and where it is forced to the upper surface or near it there must exist a reef or a ridge or a bulge in the lower formation.

At a number of places on the reservation the Indians have, in a crude way, dug into this water-bearing stratum and tapped it, by drawing the water into the open ditches, which, following the slope of the valley with less fall, convey the water to the surface, whence it is conducted to their farms for irrigation.

Although their methods for developing this supply of water from the "underflow" are crude, and the results not very satisfactory in view of the vast amount of labor involved for the small amount of water obtained, yet the Indians have in a practical manner demonstrated the feasibility of the plan that I am suggesting, and it seems to me possible, by resorting to proper methods and by the use of suitable machinery, to develop in the manner indicated all of the water that will be necessary to irrigate the lands of the Pima Indians—

Perhaps not for 320,000 acres of Government land outside of the reservation, but the lands occupied and cultivable by the Pima Indians—

particularly those that were formerly under cultivation and which they manage to secure a comfortable living from.

There are probably 1,500 of these people that are largely supported from the farms that are irrigated from the "underflow" at this time, and at a number of places they are now working on ditches with this same object in view, although with no very great enthusiasm, for they well know the amount of labor required and the liability of the results of their labor being destroyed at any time.

He says one of their difficulties is the lack of tools.

Mr. President, if this investigation is confined to a plan for the erection of a great dam upon the Gila River, when the report is made we will be obliged to adopt that plan or leave these Indians much longer without relief.

Mr. PETTIGREW. We ought to do it, and do it now.

Mr. SPOONER. Whether we ought to do it or not is a question which I want further investigated, not by the Senator from South Dakota, but by competent engineers on the spot, who have no ulterior purpose, and whose object it would be to develop and report the fact whether the Pima Indians can be supplied with the requisite water for irrigation at a comparatively small cost without the erection and perpetual maintenance of this costly dam and its subsidiary works.

All that this amendment proposes is that competent engineers, under the direction of the Secretary of the Interior, shall investigate this plan with the other, and report, doubtless with the other, as to whether it is feasible or not. Then, when Congress comes to consider the matter, it will not be limited to a consideration of this great proposal for a dam as an experiment in irrigation for general purposes, but it will have the alternative, and may then decide between the two.

I have myself not been able to see any reasonable foundation for the argument that this plan should be adopted independent of the interest of the Indians, in order to afford some practical demonstration of the feasibility of irrigation for general purposes.

There is no doubt about the feasibility of irrigation. The subject is almost as old as the world, Mr. President. England has tried it in India, as the Senator from Nevada [Mr. STEWART] said on Saturday, and tried it successfully; it has been tried in several States of the Union successfully; it has been tried in Colorado successfully; it has been tried in some of the Territories successfully. I have seen it in operation in Wyoming successfully, and in operation also in Montana. It is not an open question, I take it, whether irrigation is practicable or not, and it needs no expenditure by the Government, I venture to say, of four or five million dollars in the erection of this particular dam in order to demonstrate that unlimited money for construction and maintenance will afford irrigation. I think this experiment is not necessary to that end.

Now, Mr. President, only a word on this general subject of irrigation. Two-fifths, as I remember it, of the area of the United States is arid or semiarid. Undoubtedly the time will come when all of this arid land will be redeemed. I have no doubt, as Senators say, that it will be as fertile when irrigated as is the valley



of the Nile. But with the general plan that irrigation is to be attempted by the Government by appropriations out of the Treasury to reclaim two-fifths of this area I have found some difficulty.

So far as those lands lie within the States, the streams do not belong to the United States; the water does not belong to the United States, and I take it the United States would not be able to construct within the States, without the consent of the States, these great works and make rules controlling and regulating the water supply of individuals in the States. Would the States agree to leave that to the regulation of the United States?

Would the States agree that the United States Government has the right, ignoring the sovereignty of the States as to nonnavigable streams, to take possession of them and to make permanent improvements upon them in order to promote irrigation, and then to control the water rights, to become, in other words, in the State a great water merchant? The time may come, and will come, when we must settle this question and when some plan looking to irrigation and reclamation of the arid and semiarid lands of the United States must be adopted.

I have thought, I am frank to say, that the wisest course to pursue was the course adopted by the United States long ago—I think in 1850—as to the swamp and overflowed lands, to grant them to the States in which they lie, in order that, as the public necessities demand it, through private enterprise or otherwise, irrigation plants might be constructed and the work of irrigation might go on, subject to such reservations and regulations as the States might see fit in the interest of the general public to prescribe as to water rights.

I would be willing now—for I have no hostility upon the general subject of irrigation—I would be willing now for one to appropriate out of the Treasury the proceeds of the sales of the arid lands or other lands in those States for use in the States by the States for that purpose, experimentally and as a beginning. But the proposition that we shall enter upon the work of national irrigation, treating the subject as one upon the same plan and principle as the improvement of the rivers and harbors of the United States, is a stupendous proposition.

Mr. BEVERIDGE. That is not the proposition contained in the bill.

Mr. SPOONER. I understand; but I have said, so far as the proposition in the bill is concerned, that no experiment by the United States and with the money of the United States is necessary to demonstrate the practicability of irrigation, because it has been demonstrated in many States that it is practicable. It has rendered susceptible of the highest degree of cultivation the lands in many States and in many Territories. It has been successful in India. So far as that is concerned, it may be taken as demonstrated that it is practicable.

I am discussing for a moment only the question whether the Government shall become in any way committed to national irrigation and to irrigation for the benefit of the public, discriminating between the public in its relation to this amendment and the Indians, the money to be paid out of the public Treasury. It is simply stupendous. The irrigation appropriation bill would be each session the most monumental appropriation bill we have ever known. The river and harbor bill, which has grown in proportion—the Senator knows how and I know how—for the same reason would pale into insignificance, because money would not only be required to build irrigation works in the States, but to maintain them.

It would involve thousands of millions of dollars. So I have thought—if that turns out to be the wise course, so be it—but I have thought that, instead of attempting to embark the Government upon this plan of national irrigation by an amendment to this, that, or the other appropriation bill, we should in the Indian bill confine ourselves to appropriations which would afford relief to the Indians, and that the Committee on Irrigation, of which my friend from Nevada [Mr. STEWART] was once chairman, should bring into this body a well-considered measure, on which, upon debate, we might determine what course ought to be pursued by the Government, whether to grant these lands to the States upon a well-defined and well-impressed trust to be held by the States for the purposes of reclamation as public necessity might render it apparent, or whether we should engage in the work of irrigation from the National Treasury.

Mr. BEVERIDGE. I should like to have the Senator explain to the Senate how this amendment commits the United States Government to any plan of national irrigation.

Mr. SPOONER. Oh, Mr. President, the Senator from Indiana can not restrict me in what I say to his view of this amendment.

Mr. BEVERIDGE. Certainly not.

Mr. SPOONER. I do not intend to express any hostility to the reclamation of arid lands. What I was saying was in reply to a suggestion made by the Senator from Nevada on Saturday and one made to-day that the amendment which I have offered, providing for an investigation by competent engineers with a view to ascertaining whether we may not afford relief to the Indians

without building this \$2,000,000 dam and supplementary works (costing, he estimates, \$5,000,000) ought to extend to other parts of this country.

Mr. BEVERIDGE. I was unfortunate in not understanding that the Senator from Wisconsin had introduced an amendment here; but I did distinctly hear the Senator say that upon the proposition he was debating this amendment in the bill would commit the Government to a great national policy of irrigation.

Mr. SPOONER. I said—and I was unfortunate in not having had the honor of the Senator's attention—that if this amendment which I have proposed were not adopted providing for an independent investigation as to the feasibility of another plan for supplying the Indians with the water necessary for irrigation when the geological report, or whatever it may be, comes in we would have no alternative, and we would be under obligation to adopt this plan or leave the Indians on that reservation in the lamentable condition in which they are now found. I ventured to suggest that if there were a plan feasible which would afford to the Indians on the reservation the relief which they require at a very much less cost than would be involved in the construction of this dam the Senate could then determine between the two; and I was giving some reasons why I should prefer to supply the Indians and remedy the evils against which this amendment I have proposed is directed rather than to embark upon the construction of a great irrigation plan.

Mr. STEWART. Will the Senator from Wisconsin yield to me?

Mr. SPOONER. Certainly.

Mr. STEWART. The Senator from Wisconsin has kindly consented to yield to me for a moment.

Mr. SPOONER. I yield to the Senator for a question; in other words, a speech.

Mr. STEWART. It will be a good one, of course.

Mr. GALLINGER. And it will be brief.

Mr. STEWART. It will be brief, but it will be good.

My friend from Wisconsin totally misapprehends what the amendment under consideration provides for. If I understand his speech, he argues against the amendment because it may benefit white men. The land to be irrigated is entirely public land. The United States is improving its own property, which, when improved, may be sold to white men. That is the point of his objection, as I understand it. If the dam is built the Government can sell the land to people and build up a large community, maybe forty or fifty thousand people, upon the irrigated land. It would benefit everybody and add very much to the revenues of the Government.

We have been told here that we must have a general plan. That shows the want of information on the part of Senators who argue in that way. They do not understand the fact that you can not have a general plan in all cases, but you must have a separate plan for each stream. You can not improve all of the streams under one arrangement. You must have surveys and ascertain the conditions before you can determine what particular plan you shall adopt at each place. You might just as well undertake to have a general plan for the improvement of all the rivers and harbors, the creeks, and inlets throughout the United States. If we had waited for the adoption of a general plan before making appropriations for rivers and harbors, we would be still working on such a general plan.

Many of the appropriations in the river and harbor bill relate to private property, and appropriations probably to the extent of \$10,000,000 are made for such improvements in the pending river and harbor bill. Vast sums have been appropriated under that pretext for the improvement of the Mississippi River, but really for protecting private property.

I do not like the charge of indirection to be made in relation to this question. There is no indirection about it. There are very few instances in the United States where there is such an opportunity for reclaiming a large amount of the best land in the world—public land belonging to the United States, which can be sold for a high price. In doing that we can help the Indians by giving them employment, and at the same time reclaim that country and populate it, and we will be furnishing an object lesson which will be valuable.

As to the claim that the United States can go into every State and Territory to irrigate lands, the fact that the United States goes into every State and Territory now to improve rivers on private property without objection is overlooked.

Here is a proposition to improve this particular locality, to utilize this water, and build this dam, and incidentally to improve two or three hundred thousand acres of the most valuable land and bring it under cultivation. It can only be done in this way, and it is all nonsense to talk about providing for water for the Indians in any other way.

I do not care anything about the investigation. I am willing to go with the chairman of the committee, but I do not want it understood that there is any ulterior object in this proposition. The object is to reclaim a large tract of Government land. That is



the only reasonable way in which we can supply the Indians with water, and it is the only possible way we can make this land of the Government valuable; but because irrigation is spoken of, Senators are afraid that something further will come of it.

This enterprise has already been undertaken. We appropriated \$20,000 two years ago. Investigations have been commenced, and a most creditable report has been made. Nothing further can be done without further investigation; the enterprise can not be inaugurated, either by private parties or by the Government, without further investigation.

As I said, England has been most successful in building great dams in India, and they have almost doubled the resources of India by their railroads and their irrigation works. If that is done there, why can it not be done here? We, however, are not asking for anything of that kind.

The Senator from Wisconsin thinks we must first get a general plan. As I said, we might just as well expect to have a general plan for the improvement of all the rivers and harbors and creeks in the United States as to have a general plan of irrigation. Until you get your rivers and harbors reduced to a general plan, do not talk about reducing irrigation to a general plan under the conditions now existing.

The fact that we are going to incidentally benefit the Government and relieve the Indians in the only possible way it can be done is no reason why this land should not be withdrawn and the survey made. If we do this, we shall have a very large tract of valuable land owned by the Government, which the Government can sell at a high price if it can be judiciously managed. I have not come to the conclusion that the Government can not manage an affair of this kind or can not irrigate this body of land and sell it at a profit. I know of no other place where the experiment can be tried with more absolute certainty of success.

I hope we shall not be accused of indirection. I am trying to be as direct about this matter as I can. I have nothing to conceal about it, and the committee has nothing to conceal about it. We are simply carrying out what has been the established policy of Congress, and that policy has been followed in every appropriation bill for the last ten years. A provision has been inserted in those bills giving the Secretary of the Interior money with which to construct irrigation works and buy water rights on Indian reservations.

Mr. SPOONER. Mr. President, I was not at all surprised when the Senator from Nevada expressed the opinion that I misunderstood this amendment. I do not now recall any instance in which a Senator differed with the Senator from Nevada upon a subject in which he did not state that he misunderstood it. There is one thing about the Senator from Nevada. He is a very direct man. There is no stealth or indirection about him.

Mr. STEWART. Thank you.

Mr. SPOONER. He comes to the front now with the truth. He says that this plan, if adopted by the Government, of a dam costing a couple of millions of dollars, or perhaps four or five million dollars—

Mr. STEWART. I beg your pardon. The plan is already adopted.

Mr. SPOONER. If the plan is already adopted, what is the use of investigating any further?

Mr. STEWART. The plan to investigate is adopted. That is all.

Mr. SPOONER. Oh! He says it is for the incidental benefit of the Indians—

Mr. STEWART. Yes.

Mr. SPOONER. And for the real benefit of—

Mr. STEWART. Of the United States.

Mr. SPOONER. And for the real benefit of the United States. In other words, it is a proposition, pure and simple, from the Senator's outspoken standpoint, to commit the Government by an appropriation of several million dollars to the construction of these works for the purpose, primarily, of rendering susceptible of cultivation these lands, and incidentally for the purpose of benefiting the Indians.

Mr. STEWART. I shall have to deny it unless you leave out the word "commit."

Mr. SPOONER. I said if it were adopted, if the work were entered upon.

Mr. STEWART. Not this amendment.

Mr. SPOONER. I did not say that. The Senator misunderstood me.

The Senator also misunderstood me as he misunderstood my colleague if he supposes that by the phrase "general plan" either he or I meant a plan of specifications as to irrigation in a locality. I meant, as doubtless my colleague did, a general plan of national legislation to determine which policy we should adopt, whether we should grant all these lands to the States within whose boundaries they lie, or whether we should retain the lands and then enter upon the work of national irrigation by appropriations from the National Treasury. I think that is the first question to be determined.

There is no necessity for an experiment. There is no doubt to be resolved. It has been demonstrated in many States and in many Territories. I have seen some of the finest fields in Montana purely the result of irrigation. I suppose the Senator has seen them in Nevada. He can see them in India if he will go there. But the question is, assuming that these lands ought at some time, when the public interest requires it, to be reclaimed, just as the swamp and overflowed lands needed to be reclaimed, What policy shall be adopted by the Government to that end?

There are two theories. One is, and that is the Senator's, for he is always "for the old flag and an appropriation," that it shall be done by appropriations from the National Treasury. The other is that we shall grant the lands to the States upon that trust and let it be done by the States and under the supervision of the States, partly by private enterprise, if not mainly, as the public necessities demand it.

Mr. STEWART. I take exception to the remark that I am always for the old flag and appropriations. I am for the old flag, but I have not been fortunate enough to get many appropriations. Nevada has had less than any other State, and less in proportion to its population. It has had nothing.

Mr. SPOONER. Nevada has had more than my county, and my county has more people than Nevada.

Mr. STEWART. It has not had more than your county.

Mr. SPOONER. I think so.

Mr. STEWART. Do you think your county has more people than we have?

Mr. SPOONER. Yes.

Mr. STEWART. Counting by quality as well as by number?

Mr. SPOONER. Counting by quality as well as by number, there is no sort of comparison between my county and Nevada.

Mr. STEWART. Of course not.

Mr. SPOONER. My county is peopled by a very fine, intellectual people.

Mr. STEWART. You being the judge, they would be.

Mr. SPOONER. I judge about my people as the Senator does about his.

Mr. STEWART. Yes.

Mr. SPOONER. So is Nevada filled with intelligent and patriotic people. The Senator can get up no controversy with me about that.

Mr. STEWART. I beg your pardon. I have never been for large appropriations for anything. I have not been a Treasury raider.

Mr. SPOONER. Seriously, it is a subject which has to be met. What will be the determination of Congress I do not undertake to say, but when I speak of general plan that is what I mean.

The Senator has given this subject years of investigation. No one here knows more about it than he does. He was at the head of the committee for some years and his investigation was widespread and exhaustive; but what the Senator from New Hampshire stated Saturday is true, that no general scheme has been brought into the Senate, so far as I remember, challenging the determination of Congress as to the policy which should be adopted upon the subject, whether to grant to the States or to do the work by appropriations from the Treasury or to apply the arid lands owned by the Government in some different way to promote irrigation.

There is much to be said upon both sides of it. It ought to be done by a general bill, which should be brought here at a time when we can debate it on its merits as a question of national policy. It ought not, in my judgment, to be brought here continually by way of fragmentary committal of the Government by appropriations, in this appropriation bill or that, for nominally special purposes.

It is larger, so far as concerns the money expenditure, than any other subject that confronts this Government. It would require thousands of millions of dollars. Perhaps, upon debate, that will be decided to be a wise policy upon the part of the Government; but, as has been suggested here more than once, why should not the gentlemen from those States bring in a proper and separate measure for that purpose?

There is no prejudice against those States. I was born in the West. I have lived all my life in the West. I have no prejudice against the West. I go into the arid land States there every year of my life. I know what irrigation is. I know what a transformation it works. I know that in time—it will not be in your day or in mine—the arid regions of the United States will be as fertile as the valley of the Nile, as I said a few moments ago.

Mr. TELLER. Some of them are now.

Mr. SPOONER. Some of them are now, where they are irrigated. Some years ago I landed one morning in El Paso. I stepped off the car and saw upon the platform an Oliver steel-chilled plow of the most modern and approved pattern.

Mr. BEVERIDGE. That was from Indiana.

Mr. SPOONER. Perhaps it was from Indiana. Some good things come from Indiana.

Mr. BEVERIDGE. Including the Senator from Wisconsin.



Mr. SPOONER. Thanks. During the day I went across the river, a narrow river, and found them there plowing with the old Egyptian sticks—the civilization of the olden times only separated from our modern civilization and methods by that narrow river. They were cultivating irrigated fields.

But this question ought not to be settled in this way. And what I protest against, in no unfriendly spirit at all and without regard to the attitude I shall feel it right to take upon the question when it is really presented, is the attempt here and there to commit the Government, sometimes I think each time under cover—

Mr. STEWART. There is no cover about this.

Mr. SPOONER. In advance of the determination as to a general policy, to the construction of reservoirs and dams and irrigation ditches and canals for the improvement of public lands.

Mr. President, the Senator speaks of the river and harbor bill. It has become a proper subject for criticism. I remember one was vetoed, and no President ever did a more popular act than that. We all know there never will be any relief from it until the Constitution is amended so as to give the President the power to veto items in an appropriation bill, so that he may eliminate from appropriation bills the items which in his judgment are not in the public interest, without destroying those which are obviously in the public interest. But the appropriations for the improvement of rivers and harbors rest upon a plain principle palpably different from this scheme of national irrigation by appropriation of money from the Treasury.

Really the discussion is not, so far as I am concerned, germane to this amendment. I understand this amendment. My friend is mistaken if he thinks I do not. It is proposed to continue this investigation. The point of my amendment is to provide for another investigation which has for its object the ascertainment of the fact whether by a different plan, without any committal of the Government, the relief which the Indians on that reservation demand and require may not be at a comparatively slight expense brought to them.

When the reports are made on both lines, then Congress will be called upon to determine which it will adopt. If both will accomplish the same object—one only for the Indians, costing a comparatively small sum of money, and the other would accomplish the purpose, the interest of the Indians being only incidental, at a cost of several millions—they can be debated here, and Congress will determine. I am not willing at all to be classed among those who are opposed to the development of the West or in opposition to the reclamation of the arid lands, for I am heart and soul in favor of it.

Mr. CARTER. Mr. President, I desire briefly to reply to the suggestion of the Senator from Wisconsin that this question, which has been pending for some time, to induce the Federal Government to embark in the work of reclaiming the desert lands of the country, has been conducted with some degree of stealth. It will be recalled that some years ago a most determined and persistent effort was made in this Chamber to secure an amendment to the river and harbor bill appropriating a large amount of money for reservoir construction in the State of Wyoming, in conformity with the recommendations of a report made by Captain Chittenden of the Engineer Corps. The plan and specifications were complete, the estimates were thorough, and the information in the possession of the Senate at that time entirely adequate to warrant the appropriation, provided the Government then and there determined to enter upon this policy.

It will be recalled by those who gave the subject special attention that I had the honor to introduce an amendment to that appropriation bill providing for an appropriation of \$5,000,000 to begin this work; and in supporting that amendment I stated upon this floor, without any equivocation, and certainly with such volume of voice as I deemed necessary to reach the various members, that this could not be considered in any other light than the inauguration of a policy which, in the judgment of those advocating the amendment, was a wise national policy to inaugurate and carry to full completion.

The time was not then ripe. The thought of the country was not matured. Senators had not yet made up their minds nor were the people of the country at large entirely conversant with the subject being dealt with. The debate at that time was a contribution to the literature of the subject. But it is most gratifying to note, Mr. President, that in the interim between that time and this the awakening thought not only throughout the West but throughout the East, not only with the agriculturists residing in the arid regions but those residing in the Mississippi Valley, not only the farmers but the factory hands, the merchants, the owners of factories, boards of trade, and representative assemblies of one kind and another, including the National Board of Trade, which recently assembled in this city, has given most favorable consideration to a growing sentiment in favor of national aid in this movement.

A dozen years have passed since the subject of ceding these

lands to the States was taken up seriously. The subject has been pretty thoroughly debated, debated in the light of the unfortunate experiences of the Government, and the States as well, in reference to the swamp-land grant. The swamp-land grant, originally intended to result in reclaiming the swamp lands by the States, really originated a series of scandals which still lingers and will continue to linger for an indefinite period of time in the future unless Congress passes a law whereby that kind of business will be stopped. Intending originally that the States should reclaim swamp lands, it subsequently provided that the States might assign their claims.

The claims were assigned to the counties. The counties in turn assigned their claims to individuals. No lands were reclaimed to speak of. In the natural course of events, through cultivation and otherwise, the swamp lands became dry lands. The cutting off of the timber allowed rainfall to proceed unchecked down the little streams and thence into the rivers and away, and after nature had dried up the swamps and over fifty years have passed there are millions upon millions of dollars of claims pending before the General Land Office now for swamp lands reclaimed by States or individuals, this where the swamps dried up of their own accord. A dollar and a quarter an acre is now being claimed by John Thompson or Dick Butts or some one else as the agent of Podunk County, he to get 50 per cent and the county 50 per cent of what he may recover. The files of the Land Office are stuffed full of claims of that sort. I say this debate proceeded in the light of that experience.

Mr. SPOONER. Will the Senator allow me?

Mr. CARTER. Certainly.

Mr. SPOONER. I suppose the Senator from Montana will agree with me that that result was due to the fact that the language employed by Congress was so loose as to defeat the creation of a trust at all. That was the difficulty.

Mr. CARTER. I think the law was very poorly drawn, but the debate on the question of ceding the arid lands to the States has been enlightened somewhat by a reference to the old experience of cession for reclamation of swamp lands; and I think it may be accepted as a fact reasonably conclusive that the people of the States where those lands are located and the people of the other States who have given the subject consideration shrink from this movement of State cession.

There is an aspect of the situation that is quite beyond the power of the States properly to deal with. It arises from the interstate character of this question. In the State of Colorado certain rivers rise, wind their way south into the Gulf of Mexico or into the Rio Grande River. Certain other rivers rising in Colorado wind their way down through Kansas and Nebraska into the Missouri. These rivers are exhausted by appropriations in Colorado, so that the Platte, once a stream with a steady flow throughout all the year, is now partially dry during certain portions of the season in Kansas or Nebraska.

Mr. TELLER. May I ask the Senator if he expects that the General Government is going to settle those questions between the States of Colorado and Kansas and Nebraska? If he does, I wish he would tell me where he finds the authority.

Mr. CARTER. I believe it can be settled by the General Government to this extent, that the plan adopted for the conservation of these waters will tend to insure a steady flow in the streams rather than a complete absorption and a wasteful use in each of the States through which the water passes.

Mr. TELLER. Will the Senator tell us, while he is about it, where the General Government will get the authority to build a dam in the State of Colorado and impound the waters of a stream that belongs to the State and to which the Government has no claim whatever?

Mr. CARTER. As far as the right to build a dam is concerned, I think the construction at the head waters of the Mississippi River will dispose of that question. In so far as the impounding of waters upon public lands in the State of Colorado is concerned, the flood waters of the streams of Colorado, the Government of the United States may make the provision just as any citizen of Colorado may make provision.

Mr. TELLER. They will have to get the consent of Colorado. They may understand that just as well now as any other time. They never can do it without our authority.

Mr. CARTER. I think it would be such a benefit to the State of Colorado that a man who would oppose Government intervention there would not be considered as thoroughly possessed of home pride or a clear perception of the subject.

I do not wish, however, to go into the details of the matter at this time further than to say we are now confronted with this question: The arid-land problem having passed beyond the scope of individual effort, it being clear that the ownership of waters by corporations throughout the States would be a withering blight upon the States, it being evident that the settlement of the arid region can not proceed until these waters shall have been conserved and stored upon a broad basis, we are now face to face



with the problem as to whether or not settlement shall go on in the arid region or shall stop.

In reply to a suggestion made to me by a Senator, I will say that of course the Republican platform contains a provision on the subject. The Democratic platform also contains a provision on the subject. But the question presented here need not be considered as a presentation of the question that is to be made by the people who have given thought and consideration to the matter.

Mr. TELLER. It is not here.

Mr. CARTER. We do not propose to have this broad question of national importance hid under any little Indian appropriation item. It will stand upon its own basis or it will fall in the light of scrutiny and public opinion.

This proposition, as I understand it, is entitled to survive here on its own merits. What are the facts? As an engineering problem we are advised by the report in this case that a dam to confine 40,000 acre-feet of water will fill up with silt within an incredibly short time, as any little dam will fill, and that in order economically to construct a dam which will not fill up with silt within a year or two it is necessary to impound a great deal more water than the Indians actually need. This additional water, it is stated as a persuasive fact, will not be wasted, but may be disposed of to persons who own the land on the stream below the Indian reservation. The fact that the extra water can be utilized should not be construed into an argument to defeat the appropriation for the investigation. That is all there is to it.

Mr. STEWART. It will not benefit the people there because it is all public land. This amendment proposes to reserve those public lands and to dispose of them with the water.

Mr. CARTER. Certainly.

Mr. PETTIGREW. Mr. President, I am satisfied from the debate of to-day and the debate of Saturday that the ship-subsidy bill has been abandoned by the Republicans of this body. For two days we have listened to a debate which is not involved in the bill under consideration, and that debate has been carried on entirely by the Republicans of this body, who are protesting against the parental system with regard to irrigation in order to prevent the necessity, as Republicans, of voting for a parental system with regard to ships.

The simple proposition presented by this bill is this: In one of the Territories of the United States, where the government of Congress is supreme, there are 8,000 Indians who for four hundred years have tilled the soil and lived by irrigation. A few years ago a company was formed and dug a ditch above the Indian reservation and above the Indian farms and diverted the water to the lands cultivated by white men. The result is, the Indians are starving. The simple question is, how shall we provide for their maintenance? Some years ago Congress appropriated \$20,000 to investigate the question, and the reports are that the best method of providing water—that is all the Indians want—is to build a dam at San Carlos and store the storm waters of the Gila River, and then let the water flow over the Indian lands and give them an opportunity to earn a living. The engineer reports that it will cost a million and a half dollars.

Mr. BEVERIDGE. May I ask the Senator whether he is in favor of these amendments?

Mr. PETTIGREW. I am in favor of the amendment to go on with this investigation. We ought to make the appropriation to build the dam at once.

Mr. BEVERIDGE. If the Senator is in favor of the amendment, and since the amendment has been accepted, and since everyone is in favor of it, and since the Senator is satisfied that the ship-subsidy bill, as he says, has been abandoned, why consume further time about it, since we all agree upon it?

Mr. PETTIGREW. Oh, well, Mr. President, it is hardly worth while to bother with the question of the Senator from Indiana. There has been no amendment accepted. It is under discussion. We have tried to get the floor to speak for a few moments upon the merits of this question for two days, and it has been impossible owing to the effort of the Republicans to secure a hearing.

Now, what are the facts? As I started to relate, it will take a million and a half of dollars to build this dam. It will store water enough, we are informed, to supply the 8,000 Indians, and the interest on the million and a half will be \$45,000 a year at 3 per cent. There is no tribe of Indians in the United States 8,000 in number where it does not cost us an appropriation of two or three times \$45,000 a year to support them. Here is an opportunity to take care of those Indians at a cost to the Government of \$45,000 a year and have them supply their own food by their own toil. Why deny it? Why delay it? Simply because the Senator from Connecticut injects into this debate the ulterior proposition that there will be more water than is needed to supply the Indians and that it will be used to irrigate other lands belonging to the Government of the United States. That is the foundation of this whole debate. And because this is the fact, the Senator from Wisconsin says that there is an ulterior purpose lurking beneath this amendment.

When such arguments are made I have a right to presume that the simple purpose and effort of the Senators is to cause delay. An ulterior purpose! The Government owns the land. What man owning the land himself would not think it a good business proposition, independent of the Indians, to build this dam and make it of value? Because this happens to be the case we are charged with an ulterior purpose.

The Government owns the land. It is in a Territory of the United States. This amendment simply reserves it from sale while the improvement is going on. It will be enhanced in value more than the cost of the appropriation. Then why not make it? Why drag in the proposition that we commit the Government to a great irrigation scheme? There is nothing in that proposition. The Government is as free hereafter to refuse to go into a general system of irrigation as it is now if it makes this appropriation and builds the dam.

Therefore, Mr. President, I see no necessity for this debate. Both political parties have pledged themselves to a policy of national irrigation. The Republican party in its last platform has the following provision:

We recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories.

Why do Senators rise here who indorsed that platform and accuse us of trying to commit the Government to a policy of national irrigation when, by the support of the platform, they committed themselves to it in the last campaign? What is their ulterior purpose? What lurks behind their position? Is it an interpretation of their platform that shall construe it away, or do they propose to disregard and violate it after having got the benefit of it by parading that clause in their platform before the audiences in every State in the West?

Mr. President, it has seemed to me for the past two days that this debate is unnecessary, and I think that this is simply a proposition without ulterior purpose to take care of these wards of the Government.

Mr. JONES of Arkansas. Mr. President, I am very heartily in favor of the reclamation of the arid lands in the West and of an intelligent system being entered on for the storing of the storm waters that now go to waste and that are destructive in the streams of the lower country. Because I am in favor of such a system and believe that an intelligent plan should be inaugurated by the Government, I am utterly opposed to the amendment pending here. It seems to me that every friend of irrigation, every friend of any broad and intelligent system of dealing with this great question, ought to oppose its being put here in an appropriation bill.

I agree with the Senator from Montana [Mr. CARTER] when he said that he did not want this great question covered up under an Indian appropriation bill. The Senator from Nevada [Mr. STEWART], as was suggested by the Senator from Wisconsin [Mr. SPOONER], is direct. He does not hide his purposes. He says frankly that the purpose of this amendment is to start the Government on a system of national irrigation. This provision, in his estimation, has no such main purpose as benefiting the Indians. He thinks there will be an incident resulting from it that may be beneficial to them. I think the purpose we have in view, and I think the thing we ought to undertake to accomplish now, is to relieve the conditions under which the Indians suffer to-day.

Mr. STEWART. Will the Senator allow me?

Mr. JONES of Arkansas. In one minute. I believe that the amendment proposed by the Senator from Wisconsin ought to go in the bill and be there, with the balance of the amendment out. I do not think the other proposition ought to stay in the bill at all. I think that under that proposition, to have an investigation made as to the use of the waters below the surface and cheap economical methods of bringing it out, so as to enable these Indians to irrigate that land, would be a wise and prudent and humane purpose, and one that would appertain naturally to an Indian appropriation bill; but in so far as this scheme proposes to build a dam costing one, two, or three million dollars and to have the Government embark upon a system of reclaiming this public land I think it is utterly wrong and has no place in an appropriation bill. I now yield to the Senator from Nevada.

Mr. STEWART. The Senator was not quite accurate in stating my position. I said that incidentally if the scheme was carried out it would give the Indians an abundance of water. It would not be an incident; it would be the main thing to them; it would be very important to them. It would accomplish that purpose, and as to its being accomplished in any other way I do not think it can be done.

Mr. JONES of Arkansas. I understood the Senator from Nevada on two or three occasions to state that the benefit to come to the Indians from this proposition was a mere incident.

Mr. STEWART. That the incident was an important one and necessary to them.

Mr. JONES of Arkansas. Mr. President, I know but little about



the question of irrigation, and yet I know enough to believe that there is not a man in the Senate who can say to-day how that great work ought to be entered upon. We ought to have more information than we have now. When the Senator from Nevada was chairman of that committee, as a result of the investigations made by it in the West, a bill was introduced in the Senate looking to some method of reclaiming these arid lands. That system proposed that the Government should authorize by law all the citizens in a hydrographic basin, all the citizens in the drainage of a particular valley, to organize a corporation for the purpose of reclaiming the lands and devoting the timber land and the arid land of that basin to that use under the control of the citizens incorporated as an irrigation company. It has always seemed to me that that was a sensible and a rational way to go at this work. Then the men who are interested in it would necessarily have to come together after a discussion of the whole case, after an examination of every circumstance that bore upon the particular conditions, and they could determine what ought to be done and when it could be done; and they could use the public lands which were under their control for the purpose of securing the capital necessary to do the work.

Another plan which might be entered upon would be to turn these public lands over to the States and allow them to undertake this work for themselves. I confess I am not favorable to that plan, because we have seen appropriations made to the States by the National Government for many other purposes, and we have seen the State legislatures not carry out the intentions of Congress in making the appropriations. They have been diverted from the main purpose in many instances, and sometimes the resources that were put in their hands by the Federal Government were lost and the great purpose was not accomplished.

I believe, Mr. President, that there is still another way which ought to be examined carefully before any step is taken in this direction. If this plan of storing the storm waters and utilizing them upon the desert lands is feasible—and I firmly believe it is—if it is feasible and you can satisfy capitalists with large means that this can be done, and will pass a law which will enable those men to get a fair return upon their capital, not giving them the control of the land they reclaim, not giving ownership of this land, but by the law providing that such action can be taken as will give them a fair return upon their money, people who have capital and want to invest it can work out a system by which this can be done.

I think of all the plans that have been proposed the proposition to have this done by direct appropriations from the Federal Treasury is the very worst. If it could be done reasonably and intelligently, if it could be done economically, and if we could get rid of the weaknesses of Government contracts and all that sort of thing, I would think that possibly it was a wise thing to do to have the land reclaimed under the control of Congress and the Government of the United States, but we all know the difficulties that will be encountered in such an undertaking.

Under all these circumstances it does seem to me that a friend of irrigation, a man who wants the storm water stored, would not be in favor of this scheme because it is undertaking to commit the Government to a plan without proper consideration, without proper examination. If this should turn out badly it will set the cause of irrigation back for ten, twenty-five, or possibly for fifty years. I believe that what we ought to do is to inaugurate now an intelligent, persistent, systematic examination of the facts of the case, to get the truth in its ramifications, to get the best thought of the country familiar with this question brought to the knowledge of the Senate, so that we can have whatever information and whatever light there is, and then enter upon a system deliberately formed and practically carried out. To do this on an appropriation bill, not on a bill that has been sent to the Senate, but an amendment that has been jumped on it in a committee and put on by a majority vote without due consideration, is certainly, in my opinion, unwise and improper.

Mr. TELLER. Mr. President, the great trouble in dealing with this question is that the United States has not the power to appropriate water in any State, except it is in a navigable stream. Now, take the State of Colorado. It has no navigable streams. The water of the Arkansas runs into the Mississippi, as does that of the Platte, but it can not be pretended, and it will not be pretended, that because they do that the Government of the United States has any control over the waters of the State.

I said that the Government has no right to build a dam in the State of Colorado. It has not any right to build a dam there without our consent. It never could get the consent of the people of Colorado unless it agreed that we might control the water. We never would consent in the world that the power to distribute the water, which is the very life of agriculture in that State, should exist in the National Government. We would rather never have a dollar of the public money. We have built a great many miles of large canals and have built a good many reservoirs, and we will build more. We would much prefer to do that than to

have a controversy, that the General Government should be settling, whether we were to allow water to run down into Kansas through the Arkansas River, or whether we were to allow it to run into Nebraska through the Platte.

Mr. President, this has no relation to the question of storing water; it has no relation to the subject of general irrigation whatever. All this talk about there being a covert attempt here to introduce a system is simply idle, to say the least of it. The Government of the United States, in my opinion, is not going into the irrigating business, and whether it is right that it should or whether it is wrong does not make much difference. It is not going to do it. The platform of each political party may say that they shall do something of the kind. All the agricultural societies of the United States outside of the arid region have been passing resolutions against any attempt of the Government to irrigate the arid lands, and in another place it has been said without any hesitation that they did not propose to build up competition with the farmers of certain sections of the country.

I do not know whether there will ever be any system by which we can get some aid out of the Government, but whether we do or not, the enterprise must be naturally, and it can not be otherwise, the action of the State. The Senator from Arkansas talks about the Government passing a bill. The Government of the United States can not interfere, I repeat, with the water of Colorado. She has no right to pass a bill that enables anybody to come in there and do anything with our water.

Mr. JONES of Arkansas. The Senator from Colorado did not understand my position, I take it. I think the Government of the United States has a right to appropriate the desert lands of the United States to any purpose it sees fit.

Mr. TELLER. Oh, yes.

Mr. JONES of Arkansas. That is the idea I have in view; that the Government can pass a law which will allow the desert lands to be reclaimed, under certain conditions that it chooses to impose.

Mr. TELLER. That is undoubtedly true. The State of California has a law which has been adopted in some of the western counties in Nebraska (it has never been adopted in Colorado; I think it would be a good thing if it should be), which enables the people of a district to bond the district for water purposes, and that law, as was suggested by the Senator from Wisconsin [Mr. SPOONER], has been sustained by the Supreme Court of the United States. That is one of the ways by which, I think, we shall meet a good deal of the difficulty in the future.

I find on the Calendar here a bill to provide for an equitable distribution of the waters of the Rio Grande River between the United States of America and the United States of Mexico. Then I find in this bill a provision that prohibits the Territory of New Mexico from appropriating any more water in that Territory, at least. They very kindly left out Colorado, where this river rises. They did not attempt that. But I suppose we could legislate in that way for New Mexico.

Now, we are to build a dam (and this has the approval of the Committee on Foreign Relations) down in Texas, somewhere near El Paso, that will cost \$2,300,000, they say. I will venture to say that it can not be built for twice that or three times the amount named, which is \$2,317,113.36.

Mr. President, that is one of the greatest dam enterprises there is in the world. It is equal to the great dams of India, and some of those have cost twelve and fifteen and twenty million dollars. I will venture to say that there is not a man in Texas, nor in the United States, who knows how deep the wall has to go to build that dam. No engineer in the United States has ever given such attention to it as to be able to judge within 36 cents of what it is going to cost. That is to relieve, it is said, the people of Mexico who originally got water out of the Rio Grande River and to give them water for about 100,000 acres.

Mr. President, I have taken some pains to look into this matter, because there is another controversy going on in that State, where some English gentlemen in New Mexico desire to build a dam without asking the Government of the United States for any aid, for the purpose of saving the flood waters of the Rio Grande River, which are very great in some seasons of the year. If we have deprived the Mexicans of water that they got out of the Rio Grande, there never could be 25,000 or 30,000 acres at the most; and it would be a good deal better for us to pay Mexico and let Mexico buy out those Mexicans if we have taken the water.

But, Mr. President, I doubt whether we have taken the water. There will be a series of dry years in the West when there will be very little water. That may be the case ten or fifteen years, then we will have a series of wetter seasons, just as you do on the Great Lakes. Sometimes the Great Lakes are full for a series of years and then they are low for a series of years. I do not believe the water that has been taken out in Colorado and New Mexico has affected the flow of water at all in that river where it reaches the Mexican boundary. It is a notorious fact that not more than 15 per cent of the water that is put upon the land goes into evaporation. Eighty-five per cent of it returns eventually to the



stream from which it was taken. We have made very careful examinations in the State of Colorado with reference to this subject and that has been demonstrated.

Now, the greater the area that you are cultivating the greater the area of water supply put upon the land when the river is high. That goes gradually down during the whole year. From the effect here a ditch that was run in the mountains for mining purposes many years I have seen a very large spring as much as 2 or 3 miles away from the ditch. Everybody thought that that was a permanent spring until it went dry, because when the ditch was built the country was new and nobody remembered about the spring. When the ditch had quit running for about a year the spring dried up. Other springs of the same kind have been created by ditches and have dried up when the ditches have ceased, as they do cease sometimes.

I want to say a word about subirrigation. Subirrigation is an entirely different thing from the underflow of water. Subirrigation is where the irrigation prevails naturally under the ground, and in a body of water passing through it the roots of the vegetables can reach near enough to get it. We have subirrigation in Colorado on the Rio Grande River to quite a large extent, and it is largely due to changes made by some large ditches that were put in that country—and they are very large. About \$3,000,000 was spent by a New England company in putting in these ditches. I am afraid that they never got all their money back, but they have the ditches, and they are still trying to get it back.

Now, just a word about the attempt to get the underflow. That underflow may be very great, because there are certain rivers in the West that will sink, and they remain in the sand until they reach an obstruction in the way of rock, and then they rise and flow again. Between such places as that there is a large quantity of water. But take the average water flow. As I said the other day and as the Senator from Nevada [Mr. STEWART] said truthfully and correctly, when it is once tapped and exhausted, that is the end of it. The city of Denver spent, I have understood, a million dollars trying to get the underflow of a certain stream; and when it was exhausted by pumping, it never returned in sufficient quantities so that they could go on, and they abandoned the whole thing. The whole enterprise was a waste of money. Other efforts of that kind upon a considerable scale have been tried. There are certain places where you may get a little water, just as they are getting it down here in this Indian country.

Mr. President, I do not wish to detain the Senate upon this subject. I want to say that the people of the West are more or less interested in this irrigating question. So far as I am concerned I have been a believer in it now for forty years. I have taken some hand in it myself in the way of constructing ditches and reservoirs. I know something about it. I am anxious that the Government shall come to the aid of the people in the arid regions, but always upon the condition that to the people of the neighborhood is reserved the right to determine how that water shall be distributed. The State of Colorado, by the constitution, is declared to be the owner of the water, and we allow no man to appropriate the water at all. The water is subject to law. A company that builds a ditch becomes simply the transporter of water, under our court decisions, with no title to the water. The county commissioners of the county through which the ditch flows fixes the rate that the farmer shall pay. In no other way would we be willing to have irrigation carried on in that country.

Mr. SPOONER. Is that peculiar to Colorado?

Mr. TELLER. The Senator from Wisconsin asks if that is peculiar to Colorado. I do not know whether it is or not.

Mr. STEWART. It is just the same in California.

Mr. TELLER. I know that is our provision. A company builds a canal, and then they say: "Now, we will give you so much water out of this canal, provided you pay so much money per acre." Then they sell the right to a man who has 160 acres, perhaps, to water his whole 160 acres for ten, twenty, thirty, forty, or fifty dollars an acre, according to the expense they have incurred.

I think it may be said now that water that is put upon new land in the West will rarely ever be furnished for less than \$25 an acre. I have myself obtained the use of water in the State of Colorado, and then have to join in keeping up the ditches. I paid during the panic of 1893, when everything was lower than it ever was before or ever will be again I hope, \$24 an acre for the right to use water on my land; and I pay every year for keeping up the ditches. Those are things that we understand, and we are pretty sensitive about allowing anybody to interfere with us.

Now Nebraska insists that we have their water. I have gone up and down the Platte River before there were a hundred acres under irrigation in the State of Colorado, and have seen the Platte River dry for a hundred miles. The same may be said of the Arkansas River. It always went dry. There never was a stream in that section of the country that continued to flow its whole distance during the summer from the mountains to its junction with other rivers. Of late years there has been some trouble be-

tween our people and those of Nebraska and Kansas, until it has come to be understood that we are not appropriating more than our share of water. Kansas is getting as much water the year around as she ever got, in my judgment, and more, because of the great reservoirs in the way of farms, of which I have spoken, gradually filling the streams with water.

As I have said heretofore, we take all of the water out of a stream, so that there is not a drop left. Then we go down the stream 15 miles, I will say—perhaps it may be less in some places, depending on the character of the stream—and we take now apparently as much water as we took out above; and the more the country is cultivated the greater is the flow back into the streams. I have seen very handsomely little brooks where in early days there was no water, and I have seen a ravine along an old road, after a few years of farming, not in the immediate neighborhood, but some distance back of it, become a torrent, so that nobody would ever think of driving a team down that road.

The irrigation question is a very interesting one. The bill to which I have drawn attention I hope the Committee on Foreign Relations will not attempt to pass, because I should feel it my duty to antagonize it. It is to appropriate two or three or more millions of dollars for water for Mexico. I think that will come under as many objections as the suggestion here to appropriate money for securing water for this Indian reservation.

I think, perhaps, a much smaller dam than that proposed might answer for the Indians; and yet, perhaps, on the whole, it would be proper to build a dam of the full size as proposed at San Carlos, because the Government has other land in that vicinity, and the Government can recoup itself for this expenditure by the selling of the land or selling the water to farmers.

It would take about 20,000 acres of this land to support the Indians who belong to that reservation. There are 8,000 of them, and if they should have 3 acres apiece for every man, woman, and child it would take 24,000 acres. I think about 2½ acres of that ground will support an individual.

Mr. PLATT of Connecticut. All the reports show that an acre and a half will support an individual.

Mr. TELLER. That might be, but they perhaps would not live so luxuriously, though they might live on it in a better way than they do now. Fifteen acres will support a family down in that irrigated country. If you wish, put those lands into hay—you can put alfalfa upon them and get out a crop four times a year, and you can get probably 2½ tons or 3 tons a year from them.

Mr. STEWART. You could cut 10 tons.

Mr. TELLER. I mean you can cut from 2½ to 3 tons from each acre three times. I have seen three cuttings of alfalfa in the State of Colorado by a very good farmer, who weighed every pound of it, and he cut 8 tons to an acre in three cuttings. They can cut one more crop in Arizona than they can in Colorado.

Mr. CHANDLER. I should like to ask the Senator a question, if he will yield to me.

Mr. TELLER. Certainly.

Mr. CHANDLER. In 1867, in midsummer, I was at Golden City and at Denver, and there was not a tree or a blade of grass or a gallon of water in sight in either place. I should like to ask the Senator if that is the condition now?

Mr. TELLER. Golden City has not grown very much.

Mr. CHANDLER. I mean as to the trees and grass?

Mr. TELLER. We have plenty of trees at Golden City.

Mr. CHANDLER. Has not that resulted from the system of irrigation?

Mr. TELLER. Of course; entirely so. The city of Denver has now a population of one hundred and thirty or one hundred and forty thousand, and it has a great waterworks, which cost six or seven or eight million dollars. They are now building one of the largest dams that is being built in the United States, and building it on the most complete scientific system, I suppose, of any dam that is being built in the world.

Mr. CHANDLER. By whom is it being built?

Mr. TELLER. By the Denver Water Company. The city of Denver is about to buy the waterworks or build their own, I do not know which. One of the troubles we have in Colorado is the lack of water; and land, of course, is not worth anything without water.

By the kindness of the committee I secured the adoption of an amendment to this bill for the purpose of buying some land for an Indian reservation in southwestern Colorado. I would not give 10 cents an acre for the land if we could not have water upon it; but it will be worth \$50 an acre the minute you get water upon it. It is the most productive land on the American continent.

The Senator from Wisconsin says that there are valleys in this country that would, if irrigated, be as rich as the Nile. They are as rich as the Nile now, Mr. President. I can show in some of these valleys from 50 to 80 bushels of wheat and from 100 to 120 bushels of oats raised on an acre. With irrigation you can raise everything, and without irrigation you can raise nothing except



the natural weeds of the arid regions. Those lands are all irrigated to some extent. There are thousands and tens of thousands of acres just as good as those awaiting the kindly influence of water.

The PRESIDING OFFICER. The question is upon the adoption of the amendment to the amendment.

Mr. COCKRELL. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin [Mr. SPOONER] to the amendment of the committee will be stated.

The SECRETARY. On page 47, after line 16, it is proposed to insert:

And the Secretary of the Interior is authorized and directed out of the appropriation immediately proceeding to cause to be made by competent engineers an investigation and report as to whether an adequate water supply for the Indians upon said reservation can be obtained by the method recommended by Indian Inspector Walter H. Graves in his report, dated Pima, Indian Reservation, Ariz., September 12, 1900, and, if so, at what cost.

Mr. COCKRELL. I was going to suggest to the Senator that he offer that as a substitute for the whole provision.

Mr. SPOONER. It was not drawn with reference to that exactly.

Mr. COCKRELL. It strikes me that it would be proper.

Mr. SPOONER. Of course if this amendment be adopted, both investigations would be made, and when the time comes Congress will have the alternative proposition.

Mr. COCKRELL. I hope the Senator's amendment will be agreed to in any event.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Wisconsin [Mr. SPOONER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the amendment as amended.

Mr. PLATT of Connecticut. I propose to add at the end of the amendment what was contained in the last authorization:

*Provided*, That nothing herein shall be construed as in any way committing the United States to the construction of said dam at San Carlos.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut to the amendment of the committee.

Mr. STEWART. I do not object to that.

Mr. THURSTON. There is no objection to it.

The PRESIDING OFFICER. The amendment to the amendment, being accepted by the chairman of the committee, in the absence of objection, will be regarded as agreed to. The question now is on the adoption of the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. THURSTON. The Attorney-General of the United States sent a proposed amendment to me too late for consideration by the committee. I have introduced the amendment, and the Attorney-General urges that the amendment go upon the bill.

Mr. COCKRELL. Let it be read.

Mr. THURSTON. I move the amendment to which I have referred, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 44, after line 8, it is proposed to insert:

Eastern Band of Cherokee Indians: For this amount, to be expended under the direction of the Attorney-General for the purpose of carrying into effect six agreements of compromise in the suit of the United States against William H. Thomas and others, entered into between A. E. Holton, United States attorney, and George H. Smathers, special assistant to the United States attorney for the western district of North Carolina, representing the United States and the defendants therein and hereinafter named; and an agreement in the two suits, respectively, of the Eastern Band of Cherokee Indians against William H. Thomas and others, and the United States against William H. Thomas and others, entered into between George H. Smathers, special assistant United States attorney, representing the United States and the Eastern Band of Cherokee Indians, as evidenced by an act of the council of said Indians, bearing date December 17, 1900, both suits pending in the circuit court of the United States for the western district of North Carolina, which agreements of compromise with said defendants and the agreement with said band of Indians are on file in the Department of Justice, and are set forth in detail on pages 4 and 5 of a report made by George H. Smathers, special assistant United States attorney, to the Attorney-General, as to the status of this litigation, bearing date January 22, 1901, to settle and quiet the title to certain tracts of land claimed by said Indians that were conveyed in a deed executed by William Johnston and others to the Commissioner of Indian Affairs as trustee for the Eastern Band of Cherokee Indians, bearing date August 14, 1880, known as the "Sibbald deed," and more fully set forth in said agreements of compromise, the sum of \$8,770, the names of the defendants and the amount to be paid to each under said agreements of compromise, and the amount to be paid to said band of Indians, being as follows: To W. N. Cooper, R. L. Cooper, and T. J. Cooper, executors of James W. Cooper, deceased, under agreement of compromise, Exhibit No. 1, \$2,000; to M. A. Hembree and others, defendants, in agreement of compromise, Exhibit No. 2, as follows: To M. A. Hembree, Murphy, Cherokee County, N. C., \$325; to Thomas Dockery, Murphy, Cherokee County, N. C., \$500; to James Humphreys, Murphy, Cherokee County, N. C., \$300; to W. R. Graves, Murphy, Cherokee County, N. C., \$125; to John E. Graves, Murphy, Cherokee County, N. C., \$300; to John A. Dockery, Murphy, Cherokee County, N. C., \$30; to N. E. Dockery, Murphy, Cherokee County, N. C., \$25; to John E. Fricks, Murphy, Cherokee County, N. C., \$35; to A. G. Hunsucker, Murphy, Cherokee County, N. C., \$75; to L. M. Hunsucker, Murphy, Cherokee County, N. C., \$125; to Henry P. McClure, Murphy, Cherokee County, N. C., \$40; to Irena Warlick, Murphy, Cherokee County,

N. C., \$250; to W. F. Mauney and N. F. Cooper, Robbinsville, Graham County, N. C., Exhibit No. 3, \$50; to David Watkins and Joseph Watkins, Bryson City, Swain County, N. C., Exhibit No. 4, \$200; to J. U. Whiteside, Bryson City, N. C., Exhibit No. 5, \$50; to Charley Kirkland, Bryson City, N. C., Exhibit No. 6, \$50; to Eastern Band of Cherokee Indians, Cherokee, Swain County, N. C., Exhibit No. 7, \$4,000; total, \$8,770.

Mr. PETTIGREW. I do not understand what this amendment is. It seems to be a whole bill proposed to be injected into this appropriation bill without it having been considered by the Committee on Indian Affairs.

Mr. THURSTON. As I stated, the letter of the Attorney-General reached me after the last meeting of the committee, on Saturday morning.

Mr. COCKRELL. Let the amendment be read.

Mr. THURSTON. The amendment has been read.

Mr. COCKRELL. Then let the letter of the Attorney-General be read, so as to have the entire matter together.

Mr. THURSTON. I now submit, and ask that it be printed in the RECORD, the correspondence, consisting of the letter of the Attorney-General to the Secretary of the Interior, the letter of the Secretary of the Interior to the Attorney-General, and the letter of the Attorney-General addressed to me. I think by the reading of the last-named letter the matter will be fully within the information of the Senate.

Mr. COCKRELL. Let the last letter be read and the others printed in the RECORD.

Mr. THURSTON. That is what I have asked for.

Mr. PETTIGREW. I ask to have them all read, not for the purpose of consuming time, but I can not understand why at this stage in the consideration of the bill a matter of this sort, involving a large number of claims, should be brought in here at all. I am not going to make a point of order against the amendment, yet a point of order would lie against it; but if we are to have part of it, let us have all of the information.

Mr. COCKRELL. All right; let all the letters be read.

The PRESIDENT pro tempore. The letters referred to will be read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., January 22, 1901.

SIR: I herewith send you report made to me by George H. Smathers, special assistant United States attorney, as to the present status of the litigation prosecuted by the United States in behalf of the Eastern Band of Cherokee Indians in the suit of the United States vs. William H. Thomas et al., pending in the circuit court of the United States for the western district of North Carolina. Your attention is especially called to the agreements of compromise entered into between the United States and the defendants therein named—Exhibits Nos. 1, 2, 3, 4, 5, and 6 of said report—intended to perfect the title of the Indians to the land therein described.

Also the agreement with said band of Indians, Exhibit No. 7, intended to effect a settlement with the Indians as to the 68 tracts of land conveyed in the "Sibbald deed," and would be pleased to have you give me your opinion or any suggestions that you may have to offer relative to the same, together with any other matters connected with the report or bearing upon the settlement of the unsettled matters in this suit at the earliest practicable date.

By reference to the agreements of compromise (Exhibits 1 to 6) you will see that the same are made subject to the present session of Congress making the necessary appropriations to carry the same into effect. You will therefore see the necessity of immediate action being taken in the matter. If an appropriation is asked for, I presume it should be put in the Indian appropriation bill.

Very respectfully,

JOHN W. GRIGGS,  
Attorney-General.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, Washington, January 24, 1901.

SIR: Answering your letter of the 22d instant, inclosing a report made by Mr. George H. Smathers, special assistant United States attorney, as to the present status of the litigation prosecuted by the United States in behalf of the Eastern Band of Cherokee Indians in the suit of The United States vs. William H. Thomas et al., pending in the circuit court of the United States for the western district of North Carolina, in which letter you call my special attention to certain named agreements of compromise and to an agreement with said band of Indians, and ask my opinion or suggestion relative to the same, together with any other matters connected with said report or bearing upon the settlement of the unsettled matters in said suit, I beg to say that it is impossible within a limited time to make an exhaustive examination of said report and the various papers accompanying it, but such examination as has been made, supplemented by a conference with Mr. Smathers, leads me to the opinion that it is advisable to carry into effect the said agreements of compromise and the said agreement with the said band of Indians, and that to that end the matter should be submitted to the present session of Congress with a view to securing the appropriation and legislation necessary for that purpose.

With respect to other matters connected with said report or bearing upon the settlement of the unsettled matters in said suit, I am not now sufficiently advised to enable me to express any opinion or make any suggestions thereon. If you still desire my views in that connection, I will, when the papers are returned to me, submit the same to the Commissioner of Indian Affairs, and after a conference with him indicate such opinion and suggestions as may arise from a more extended investigation and consideration.

For the present, and in order that you may make such presentation of the matter to Congress as may be necessary to obtain an appropriation and legislation to carry into effect the said agreements of compromise and the said agreement with the said band of Indians, I herewith return Mr. Smathers's report and the accompanying papers.

Ordinarily an application for an appropriation and legislation of this character would be presented by this Department, but since the relation of these Indians to this Department is doubtful; since this litigation is of long standing and has been altogether controlled by officers of your Department; since said agreements of compromise and said agreement with said band of Indians were altogether negotiated by representatives of your Department, and since former appropriations and legislation respecting matters involved in this suit and similar litigation which preceded it were obtained upon the



application of your Department, it seems to me the better method for your Department to make the proper presentation to Congress in this instance.

The Indian appropriation bill still is understood to be now pending in the Senate.

Very respectfully,

E. A. HITCHCOCK,  
Secretary.

The ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE,  
Washington, D. C., January 26, 1901.

SIR: I have the honor to invite your attention to the inclosed copy of a letter addressed by me on the 22d instant to the Secretary of the Interior and of his reply thereto, dated the 24th instant, relating to the litigation prosecuted by the United States in behalf of the eastern band of Cherokee Indians in the suit of the United States vs. William H. Thomas et al., pending in the circuit court of the United States for the western district of North Carolina.

A copy of the report made to me on the 22d instant by George H. Smathers, special assistant United States attorney in the suit named, is also inclosed for your information. Mr. Smathers has had charge of this litigation for many years, and his report sets out its origin and history.

The agreements of compromise entered into with the defendants, Exhibits 1 to 6, and the agreement with the Indians, Exhibit No. 7, all referred to in Mr. Smathers's report, are also transmitted for your information. I will thank you to return the exhibits and accompanying papers to the Department when they shall have served the purpose for which they are sent to you.

Upon a full consideration of the matters mentioned by Mr. Smathers and in the papers submitted with his report, I have reached the conclusion, in which the Secretary of the Interior concurs, that it is advisable now to promptly carry into effect the agreements of compromise entered into with the defendants and with the Eastern Band of Cherokee Indians.

To secure that end I have the honor to recommend that the inclosed amendment, appropriating \$8,770, be inserted in the pending Indian appropriation bill. The sum named will be required to enable me to carry into effect the agreements of compromise.

I may add for your information that a like amendment was inserted in the general deficiency bill passed during the Fifty-third Congress, second session, to perfect the title of the said Indians to the Qualla boundary of land.

Exhibit C, being an act of the Indian council making an effort to settle certain matters in controversy between the Eastern Band of Cherokee Indians and individual Indians to whom lands were awarded in severalty by the award of October 23, 1874, is also inclosed.

The other exhibits, being voluminous, are not transmitted at this time, but if the committee desires to examine them, I will be glad to transmit them upon notice.

Very respectfully,

JOHN W. GRIGGS,  
Attorney-General.

Hon. JOHN M. THURSTON,  
Chairman Committee on Indian Affairs, United States Senate.

Mr. THURSTON. Mr. President, it is very evident that this is simply an appropriation of a little over \$8,000 to carry into effect compromises reached in some four or five different suits between the United States and Indian tribes and people. Compromises have been closed and are all complete except as to the payment of the money by the authority of the Department of Justice. That Department asks that this appropriation shall be made, and I hope it will go in the bill.

Mr. PETTIGREW. I should like to know if it is not a list of private claims?

Mr. THURSTON. Oh, not at all, Mr. President. I do not look at it in that light. Here are pending suits with the Indians.

Mr. PETTIGREW. On the part of these people?

Mr. THURSTON. On the part of these people.

Mr. PETTIGREW. Finally we step in and pay these people, who are not Indians, these claims on a compromise.

Mr. THURSTON. No. These have been closed out by stipulations.

Mr. PETTIGREW. Then they are private claims.

Mr. THURSTON. They are no longer claims. The least that can be said for them is that they are judgments by confession on the part of the law department of the United States.

Mr. PETTIGREW. There are any number of claims in judgment by the Court of Claims which are disputed here and which are not allowed as a matter of fact. I think it is a strange place for this sort of legislation.

Mr. THURSTON. Just one more word. This amendment occupies a little different position further from what I have stated. These compromises in order to become effective must be completed by the payment of the money. Otherwise the litigation goes on, and it is not closed up. We will be out more money, I have no doubt, in these four or five different suits by running them another year than by closing them out by an appropriation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. THURSTON. Mr. President—

The PRESIDENT pro tempore. There is another committee amendment which was passed over.

Mr. THURSTON. I yield to the Senator from North Dakota [Mr. HANSBROUGH] to propose an amendment.

Mr. HANSBROUGH. I offer the amendment which I send to the desk to come in as a new section.

Mr. THURSTON. I suggest to the Senator that he offer it to follow the amendment just adopted.

Mr. HANSBROUGH. Very well. It could come in as a separate section.

Mr. THURSTON. Not a section, only a paragraph.

The SECRETARY. It is proposed to add at the end of the amendment just adopted, on page 44, the following:

The Secretary of the Interior is hereby authorized, in his discretion, to permit the construction of a free bridge to span the narrows of Devils Lake, in the State of North Dakota, at a point between townships 152 and 153 north, range 64 west. If said bridge shall abut on an Indian allotment, the consent of the allottee shall first be obtained. The Secretary may also authorize the taking of stone from the shores of the lake on the reservation side in the construction of the said bridge.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment to be inserted on page 18, after the word "dollars," in line 8. I call the attention of the chairman of the committee to the amendment.

The SECRETARY. On page 18, line 8, after the word "dollars," it is proposed to insert:

Provided, That no leases shall be made of Osage grazing lands without the previous approval of the council of the tribe, and that the Secretary of the Interior be, and he is hereby, authorized to investigate the accounts between the licensed traders and the Osage Indians.

Mr. PLATT of Connecticut. I object to the amendment.

Mr. THURSTON. I was about to suggest that the amendment be printed and lie over until to-morrow.

Mr. PLATT of Connecticut. It involves a very large question, the settlement of the accounts with the traders at the Osage Agency. It has not received the sanction of the committee, and I think it ought to be rejected.

Mr. THURSTON. I suggest that it go over until to-morrow. By direction of the committee, I offer the amendment which I send to the desk. I ask to have it read, printed in the RECORD, and go over until to-morrow.

Mr. PLATT of Connecticut. We have not yet got through with the passed over amendments.

Mr. THURSTON. There is one more amendment in the bill.

Mr. ALLISON. I ask the Senator from Nebraska to yield to me that I may offer an amendment. However, I will wait until after the amendment which the Senator from Nebraska has offered is read.

The SECRETARY. On page 44, after line 15, it is proposed to insert the following:

To defray the expenses of a joint commission to investigate and report as to what Indian reservations or parts of Indian reservations, if any, in any of the States or Territories are better fitted for the purposes of forestry than for agriculture and how the same should be administered, \$5,000. Said joint commission shall be composed of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House, and shall have authority to send for persons and papers, to administer oaths and take testimony, to employ forest experts, Indian interpreters and such clerical assistance as may be necessary.

Mr. CHANDLER. Mr. President, I am not opposed to the amendment, but I did not like the suggestion of the Senator from Nebraska that a certain amendment already offered should go over until to-morrow. It seems to me that the Senate should proceed with the appropriation bill and finish it to-night. We have already been taunted by the Senator from South Dakota [Mr. PETTIGREW] with having abandoned the shipping bill, simply because proper time has been taken for the debate of amendments to the pending bill, and I certainly hope that the Senator in charge of the bill in the face of that charge will not move to adjourn.

Mr. THURSTON. I shall be very glad to stay here and complete the bill to-night. The remarkable manner in which amendments this afternoon led to discussion, entirely irrelevant to the amendments themselves, led me to believe that one or two others to follow might lead us into the whole domain of American experience.

Mr. CHANDLER. What reason has the Senator for thinking that irrelevant debate will not take place to-morrow, if it is likely to take place to-night; and how, I ask the Senator, can a bill of this kind be passed with all this debate and the business of the Senate proceeded with if we are to adjourn at such an early hour?

Mr. STEWART. Allow me to make a suggestion.

Mr. CHANDLER. I give notice that, whatever I may refrain from doing to-night, to-morrow afternoon, if a bill is pending which there is no excuse for postponing until the next day, I shall urge the Senate to take a recess and continue in session in the evening; and I shall ask for a call of the Senate, so that it may be ascertained who is here attending to the business of the Senate and who is absent.

Mr. THURSTON. I shall be very glad to remain here and try to pass the bill; and if Senators will assist me by waiving discussion as far as possible, we can put it through.

Mr. CHANDLER. It seems to me the Senate is a very slow body, so slow a body that sometimes I am reconciled to leaving it. At any rate, I warn the Senators that there is no time to pass the shipping bill and the tax bill and the Nicaragua Canal bill and the bill to strengthen the Interstate Commerce Commission—

Mr. PETTIGREW and Mr. TELLER. And the gold-standard bill.

Mr. CHANDLER. And a great many others. There is no time to do all these things unless the Senate stays here. If we are to come here and go along with irrelevant debate, as the Senator from Nebraska says we are going on, and are to adjourn at an



early hour in the afternoon, when we could just as well come here and spend three or four hours every evening, we shall not do anything but pass the appropriation bills—

Mr. PETTIGREW. We will do well to do that.

Mr. CHANDLER. And the Senator from South Dakota will be justified in the taunt thrown in the face of the Senate to-day that because we debate these amendments to the Indian bill, and we ought to debate them, we have abandoned the shipping bill. Now, in the face of the attack of the Senator from South Dakota, we propose to adjourn and to go home to dinner and leave the public business undone.

Mr. PETTIGREW. Under these circumstances, I suggest the absence of a quorum.

Mr. CHANDLER. That is right.

Mr. STEWART. I ask unanimous consent—

The PRESIDENT pro tempore. The Secretary will call the roll.  
Mr. STEWART. Do not call the roll. Let me ask unanimous consent—

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Lodge,	Shoup,
Allison,	Daniel,	McComas,	Simon,
Bard,	Foraker,	Martin,	Spooner,
Bate,	Foster,	Morgan,	Stewart,
Berry,	Frye,	Nelson,	Taliaferro,
Burrows,	Gallinger,	Penrose,	Teller,
Butler,	Hanna,	Pettigrew,	Thurston,
Carter,	Hansbrough,	Pettus,	Turley,
Chandler,	Hoar,	Platt, Conn.	Wetmore,
Clay,	Jones, Ark.	Quarles,	
Cockrell,	Kean,	Scott,	

The PRESIDENT pro tempore. Forty-two Senators have responded to their names. There is not a quorum of Senators present.

Mr. CHANDLER. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. COCKRELL. It is now fifteen minutes of 6 o'clock.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to.

Mr. BATE. I move that the Senate adjourn.

Mr. CHANDLER. Upon that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. THURSTON (after having voted in the negative). I have a pair with the Senator from South Carolina [Mr. TILLMAN]. He is not in the Chamber, and I therefore withdraw my vote.

Mr. BUTLER (after having voted in the affirmative). I have a pair with the Senator from New Jersey [Mr. SEWELL], and in his absence I withdraw my vote.

Mr. ALLISON. I desire to state that my colleague [Mr. DOLLIVER] is confined to his house by illness and is not able to be present.

Mr. PENROSE (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. KENNEY]. As he is absent and not voting, I transfer my pair with him to my colleague [Mr. QUAY] and allow my vote to stand.

Mr. ALLISON. I suggest to the Senator from Nebraska [Mr. THURSTON] that he transfer his pair to my colleague [Mr. DOLLIVER], and that will permit him to vote.

Mr. THURSTON. I will be very glad to do that. I vote "nay."

Mr. QUARLES (after having voted in the negative). I am paired with the junior Senator from Texas [Mr. CULBERSON]. I did not understand that on a motion to adjourn it was necessary to announce the pair, but he not being present, I withdraw my vote.

Mr. CARTER (to Mr. QUARLES). Transfer the pair to the Senator from New York [Mr. DEPEW].

Mr. HANNA (after having voted in the negative). I have a general pair with the Senator from Utah [Mr. RAWLINS]. I transfer the pair to the junior Senator from New York [Mr. DEPEW] and allow my vote to stand.

Mr. NELSON (after having voted in the negative). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I suppose it would include the vote on adjournment, perhaps. I therefore withdraw my vote.

Mr. LODGE (to Mr. NELSON). Transfer the pair to your colleague.

Mr. NELSON. I transfer my pair to my colleague [Mr. CLAPP] and allow my vote to stand.

Mr. BURROWS (after having voted in the negative). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and therefore withdraw my vote. I desire to announce that my colleague [Mr. McMILLAN] is confined to his house by illness.

Mr. WETMORE (after having voted in the negative). I have a general pair with the senior Senator from Georgia [Mr. BACON]. I do not regard this as a political question; but as other Senators are giving notice of their pairs, I withdraw my vote.

Mr. HANSBROUGH. I desire to announce that the Senator

from Wyoming [Mr. WARREN] is paired with the Senator from Washington [Mr. TURNER].

The result was announced—yeas 9, nays 32; as follows:

YEAS—9.			
Bate,	Foster,	Jones, Ark.	Pettus,
Berry,	Gallinger,	Morgan,	Turley.
Cockrell,			
NAYS—32.			
Aldrich,	Daniel,	Lodge,	Scott,
Allison,	Deboe,	McComas,	Shoup,
Bard,	Foraker,	Martin,	Simon,
Beveridge,	Frye,	Nelson,	Spooner,
Carter,	Hanna,	Penrose,	Stewart,
Chandler,	Hansbrough,	Pettigrew,	Taliaferro,
Clay,	Hoar,	Platt, Conn.	Teller,
Cullom,	Kean,	Quarles,	Thurston.
NOT VOTING—48.			
Allen,	Dolliver,	McCumber,	Rawlins,
Bacon,	Elkins,	McEnery,	Sewell,
Baker,	Fairbanks,	McLaurin,	Sullivan,
Burrows,	Hale,	McMillan,	Tillman,
Butler,	Harris,	Mallory,	Turner,
Caffery,	Hawley,	Mason,	Vest,
Chilton,	Heitfeld,	Money,	Warren,
Clapp,	Jones, Nev.	Perkins,	Wellington,
Clark,	Kenney,	Platt, N. Y.	Wetmore,
Culberson,	Kyle,	Pritchard,	Wolcott.
Depew,	Lindsay,	Proctor,	
Dillingham,	McBride,	Quay,	

So the Senate refused to adjourn.

Mr. TELLER. Is there a quorum present?

Mr. CHANDLER. Did a quorum vote?

Mr. BATE. No quorum.

Mr. LODGE. A quorum did not vote.

Mr. PLATT of Connecticut. I think some Senators have come in since the roll call.

Mr. LODGE. Business having intervened, I make the point that there is no quorum present and ask for a call of the Senate.

Mr. CHANDLER. The question is whether a quorum has already voted.

The PRESIDENT pro tempore. A quorum did not vote.

Mr. CHANDLER. Then the order previously made stands without any further action by the Senate.

Mr. LODGE. I demand a call of the Senate.

Mr. CHANDLER. A motion to send for absent Senators was made and agreed to. A motion was made to adjourn, and it failed. Now the Senate remains waiting for the absent Senators to come in.

Mr. LODGE. Some Senators who were then absent have appeared. The call of the roll is in order, business having intervened.

Mr. STEWART. Let the absentees be called.

Mr. BEVERIDGE. I ask that my name be called.

Mr. BEVERIDGE answered to his name.

Mr. TELLER. I do not understand that the roll is to be called. If a Senator comes in his presence is announced until we get a quorum. The Secretary does not have to keep calling the roll, and I do not believe that is a wise thing to do, because it might at some time be a disadvantage.

Mr. SPOONER. Mr. President, I rise to inquire if a motion to adjourn is in order?

Mr. COCKRELL. Yes; always.

The PRESIDENT pro tempore. The Chair is of opinion that the motion to adjourn having been defeated, the order requiring the Sergeant-at-Arms to request the presence of absent Senators is the business before the Senate.

Mr. CHANDLER. I understood the Chair to state that that had been passed.

The PRESIDENT pro tempore. It is now before the Senate.

Mr. CHANDLER. The order is being executed?

The PRESIDENT pro tempore. It is being executed.

Mr. CHANDLER. I understand that one Senator has come in since then.

Mr. STEWART. Two or three have come in.

Mr. CHANDLER. Have their names been reported at the desk?

Mr. SPOONER. I think before we resort to evening sessions some notice ought to be given so that all Senators may know it.

Mr. CHANDLER. Mr. President, I rise to a question of order. The PRESIDENT pro tempore. The Senator from New Hampshire will state his question of order.

Mr. CHANDLER. It is that debate is not in order pending the execution of the order of the Senate.

The PRESIDENT pro tempore. Debate is not in order.

Mr. SPOONER. I was about to follow that by a motion.

Mr. CHANDLER. I object to debate.

Mr. SPOONER. I move that further proceedings under the call be dispensed with.

Mr. CHANDLER. That can not be done until a quorum is present.

The PRESIDENT pro tempore. Senators who have presented themselves since the roll call can have their names called.

Mr. DEBOE. I ask that my name be called.

Mr. DEBOE answered to his name.



Mr. STEWART. I inquire if there is a quorum now?

Mr. TELLER. There is not.

Mr. THURSTON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nebraska will state it.

Mr. THURSTON. Is a motion to adjourn now in order?

The PRESIDENT pro tempore. In the opinion of the Chair it is not.

Mr. FORAKER. Is not a motion to adjourn always in order?

Mr. TELLER. Why is it not in order?

The PRESIDENT pro tempore. Because the motion to adjourn has just been made and it was defeated.

Mr. TELLER. No business can intervene, if that is the rule, and we might not be able to adjourn until next week.

The PRESIDENT pro tempore. The presence of only one more Senator is required to make a quorum.

Mr. TELLER. It makes no difference; the rule is not that way.

Mr. CARTER. I understand that since the roll was called certain Senators have responded to their names. Could not that be considered "intervening business" under the rule?

Mr. BUTLER. Mr. President—

Mr. COCKRELL. Let a motion be made to take a recess for one minute. That would be business.

Mr. TELLER and others. We can not take a recess.

Mr. BUTLER. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. BUTLER. When there is no quorum present how can any business intervene so as to make a motion to adjourn in order?

The PRESIDENT pro tempore. It can not intervene. The Senate has taken advantage of its right to make a motion to adjourn and it has been defeated, and the order before the Senate is that the Sergeant-at-Arms shall request the attendance of absent members.

Mr. BUTLER. Suppose the Sergeant-at-Arms should fail between now and daybreak to get the attendance of absent Senators; would the Senate have to stay in session still and be unable to adjourn?

Mr. CHANDLER. So I understand.

Mr. BERRY. Would not a motion to suspend further proceedings under the call be in order?

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. Since the motion to adjourn was defeated, have not two Senators announced their presence in the Senate and have not their names been recorded as "present" by the Secretary?

The PRESIDENT pro tempore. They have.

Mr. HOAR. I respectfully suggest to the Chair that that is intervening business.

Mr. CHANDLER. I object to debate, Mr. President.

Mr. HOAR. I am making a parliamentary inquiry of the Chair.

Mr. CHANDLER. The Senator is explaining it.

Mr. HOAR. We might be kept here for three weeks.

The PRESIDENT pro tempore. Is it the opinion of the Senator from Massachusetts that it is intervening business?

Mr. HOAR. It is. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Chair will entertain the motion, then. The Senator from Massachusetts moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, January 29, 1901, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 28, 1901.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

### CELEBRATION IN HONOR OF CHIEF JUSTICE MARSHALL.

The SPEAKER. The Chair announces the following committee of members of the House to join with the Senate committee to conduct the celebration in memory of the late Chief Justice Marshall: Mr. DALZELL, Mr. GROSVENOR, and Mr. RICHARDSON of Tennessee.

### AMERICUS V. RICE.

Mr. GIBSON. Mr. Speaker, I desire to submit at this time a conference report for immediate consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3890) grant-

ing an increase of pension to Americus V. Rice, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

HY. R. GIBSON,

J. A. NORTON,

E. S. MINOR,

Managers on the part of the House.

J. H. GALLINGER,

J. V. QUARLES,

RICH'D E. KENNEY,

Managers on the part of the Senate.

Mr. GIBSON. I move the adoption of the report, Mr. Speaker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would ask if there is a statement accompanying this report and if it has been read?

The SPEAKER. The Chair is informed that there is no statement. The Senate simply recedes on the one amendment.

Mr. RICHARDSON of Tennessee. I submit, Mr. Speaker, with all deference, that there ought to be a statement of some kind in connection with all conference reports under our rule. I think, in the interests of good legislation, whenever a conference report is presented, such a statement should accompany it.

The SPEAKER. The point the gentleman makes is good unless unanimous consent is given to waive it.

Mr. GIBSON. In this case, I will state to my friend from Tennessee, the only point is that the Senate recedes from its disagreement. There could be no statement other than the mere statement that the Senate has receded, so that the bill passes as the House adopted it.

Mr. RICHARDSON of Tennessee. The gentleman from Tennessee submits a very simple statement. He tells us that the Senate recedes; but he does not tell us from what the Senate recedes. We have no information as to what the point of controversy was between the two Houses.

Mr. GIBSON. I supposed that my friend from Tennessee kept up with the business of the House—

Mr. RICHARDSON of Tennessee. That simply emphasizes the point I make. The House is entitled to know what the House conferees do. We are entitled, under the rule, to these statements and ought to have them.

The SPEAKER. The gentleman from Tennessee objects, and the point he makes is well taken. The gentleman will withdraw the bill and supply the statement required by the rule.

Mr. GIBSON. Very well, I will submit the report hereafter.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2848. An act granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

S. 3280. An act granting an increase of pension to Henry Keene—to the Committee on Invalid Pensions.

S. 4938. An act granting an increase of pension to Esther Ann Grills—to the Committee on Invalid Pensions.

S. 914. An act granting an increase of pension to Charles L. Summers—to the Committee on Invalid Pensions.

S. 5074. An act granting an increase of pension to Sarah F. Bridges—to the Committee on Invalid Pensions.

S. 4531. An act granting a pension to Harriet S. Richards—to the Committee on Invalid Pensions.

S. 5187. An act granting a pension to Corinne Strickland—to the Committee on Invalid Pensions.

S. 5322. An act granting an increase of pension to Daniel W. Warren—to the Committee on Invalid Pensions.

S. 4985. An act granting an increase of pension to George C. Jarvis—to the Committee on Invalid Pensions.

S. 5006. An act granting an increase of pension to John T. Comegys—to the Committee on Invalid Pensions.

S. 2079. An act granting a pension to William Ashmead—to the Committee on Invalid Pensions.

S. 715. An act granting a pension to Fiddlar White—to the Committee on Invalid Pensions.

S. 5726. An act granting an increase of pension to Zadok S. Howe—to the Committee on Invalid Pensions.

S. 5272. An act granting an increase of pension to Thomas M. Wimer—to the Committee on Invalid Pensions.

S. 5171. An act granting an increase of pension to Albert H. Fairchild—to the Committee on Invalid Pensions.

S. 5369. An act granting an increase of pension to Edmond Cragg—to the Committee on Invalid Pensions.

S. 5675. An act granting an increase of pension to Mary C. Holmes—to the Committee on Invalid Pensions.

S. 4695. An act granting a pension to James Dorsey—to the Committee on Invalid Pensions.

S. 5363. An act granting a pension to Lizzie Wattles—to the Committee on Invalid Pensions.

S. 5405. An act granting an increase of pension to John H. Taylor—to the Committee on Invalid Pensions.



S. 5191. An act granting an increase of pension to Selah V. Reeve—to the Committee on Invalid Pensions.

S. 3580. An act granting an increase of pension to Theron Johnson—to the Committee on Invalid Pensions.

S. 5204. An act granting an increase of pension to John Scott—to the Committee on Invalid Pensions.

S. 2738. An act granting an increase of pension to James M. Munn—to the Committee on Invalid Pensions.

S. 5431. An act granting an increase of pension to William H. Ball—to the Committee on Invalid Pensions.

S. 5559. An act granting an increase of pension to Adolphus Richardson—to the Committee on Invalid Pensions.

S. 5451. An act granting an increase of pension to Mary M. Hyde—to the Committee on Invalid Pensions.

S. 3030. An act granting an increase of pension to Henry Guckes—to the Committee on Invalid Pensions.

S. 5560. An act granting an increase of pension to J. W. Harden—to the Committee on Invalid Pensions.

S. 3482. An act granting an increase of pension to Elias M. Lynch—to the Committee on Pensions.

S. 3483. An act granting an increase of pension to Jeremiah Jackson—to the Committee on Pensions.

S. 5146. An act for the relief of Robert H. Jones—to the Committee on Invalid Pensions.

S. 3391. An act granting a pension to John Black—to the Committee on Invalid Pensions.

S. 5050. An act granting an increase of pension to Charles A. Marsh—to the Committee on Invalid Pensions.

S. 5428. An act granting an increase of pension to Charles R. Cole—to the Committee on Invalid Pensions.

S. 1365. An act increasing the pension of Lorinda N. Smith—to the Committee on Invalid Pensions.

S. 5007. An act granting an increase of pension to George N. Tarburton—to the Committee on Invalid Pensions.

S. 4630. An act granting an increase of pension to James H. Bellinger—to the Committee on Invalid Pensions.

S. 3935. An act granting an increase of pension to James Ryan—to the Committee on Invalid Pensions.

S. 1698. An act for the relief of Henry Hegwer—to the Committee on Invalid Pensions.

S. 5494. An act granting an increase of pension to John S. Mitchell—to the Committee on Pensions.

S. 5400. An act granting a pension to Martin Dismukes—to the Committee on Pensions.

S. 3521. An act granting a pension to William P. Payne—to the Committee on Invalid Pensions.

S. 4828. An act granting an increase of pension to Norman Stewart—to the Committee on Invalid Pensions.

S. 648. An act granting an increase of pension to Margaret G. White—to the Committee on Invalid Pensions.

S. 2227. An act granting an increase of pension to Uriah Clark—to the Committee on Invalid Pensions.

S. 2104. An act granting an increase of pension to William L. Aten—to the Committee on Invalid Pensions.

S. 4692. An act granting an increase of pension to Asa W. Taylor—to the Committee on Invalid Pensions.

S. 3400. An act granting an increase of pension to Charles T. Shaw—to the Committee on Invalid Pensions.

S. 4542. An act granting a pension to Jane Woods—to the Committee on Invalid Pensions.

S. 5409. An act granting an increase of pension to John W. Phillips—to the Committee on Invalid Pensions.

S. 4731. An act granting an increase of pension to Heneretta M. Leiper—to the Committee on Invalid Pensions.

S. 5397. An act granting a pension to Charity McKenney—to the Committee on Invalid Pensions.

S. 4772. An act granting a pension to John W. Eichelberger—to the Committee on Invalid Pensions.

S. 5170. An act granting a pension to Louise Walcott Browne—to the Committee on Invalid Pensions.

S. 5525. An act granting an increase of pension to Warren Damon—to the Committee on Pensions.

S. 5172. An act granting a pension to Elizabeth Bughman—to the Committee on Invalid Pensions.

S. 5233. An act granting an increase of pension to Philetus M. Axtell—to the Committee on Invalid Pensions.

S. 5031. An act granting a pension to Margaret A. Potts—to the Committee on Invalid Pensions.

S. 4960. An act granting a pension to Minerva M. Helmer—to the Committee on Invalid Pensions.

S. 2153. An act granting an increase of pension to Jesse N. Dawley—to the Committee on Invalid Pensions.

S. 1602. An act granting an increase of pension to Morris B. Kimball—to the Committee on Invalid Pensions.

S. 5201. An act granting a pension to Samuel F. Radford—to the Committee on Invalid Pensions.

S. 2828. An act granting an increase of pension to Hippolyte Perrault—to the Committee on Invalid Pensions.

S. 2332. An act granting a pension to Frederick Sien—to the Committee on Invalid Pensions.

S. 1786. An act granting an increase of pension to Fielding Marsh—to the Committee on Invalid Pensions.

#### BRIDGE ACROSS ROCK RIVER, ILLINOIS.

Mr. LANE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12284) authorizing construction of bridge across Rock River, Illinois.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Moline and Peoria Railway Company, a corporation duly incorporated under the laws of the State of Illinois, its successors and assigns, be authorized to construct and maintain, at a point suitable to the interests of navigation, a bridge for the passage of railroad traffic across Rock River, in section 17, township 17, range 1, from Rock Island County to the opposite shore of said river, in Henry County, in the State of Illinois.

The committee amendments were read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LANE, a motion to reconsider the last vote was laid on the table.

#### SERGEANT JAMES W. KINGON.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4593) for the relief of Sergt. James W. Kingon.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War and the accounting officers of the Treasury Department are hereby authorized and required, notwithstanding the proceedings, findings, and sentence of the general court-martial convened pursuant to Special Orders, No. 118, extract, June 28, 1865, issued by command of Bvt. Brig. Gen. E. Opdyke, headquarters Second Division, Fourth Army Corps, and the approval thereof by Bvt. Brig. Gen. Joseph Conrad, commanding Second Division, Central District of Texas, August 26, 1865, to audit and pay to Sergt. James W. Kingon, Company H, Forty-second Regiment Illinois Veteran Volunteer Infantry, the amount of all pay, compensation, and allowances withheld from him by reason of said proceedings, findings, and sentence of said court-martial and the said approval thereof, as fully and completely as if such proceedings, findings, and sentence had never been had or made.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JETT, a motion to reconsider the last vote was laid on the table.

#### BRIDGE ACROSS MISSOURI RIVER, OACOMA, S. DAK.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5583) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.,* That the time for the commencement of the bridge across the Missouri River at or near the village of Oacoma, in the State of South Dakota, authorized by the act of Congress entitled "An act to authorize the construction of a bridge at or near Oacoma, S. Dak.," approved January 28, 1890, be, and the same is hereby, extended to January 23, 1902, and the time for the completion of said bridge be, and the same is hereby, extended to January 23, 1904.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

By unanimous consent, on motion of Mr. FLETCHER, the corresponding House bill was ordered to be laid on the table.

#### BRIDGE ACROSS CHOCTAWHATCHEE RIVER, GENEVA COUNTY, ALA.

Mr. CLAYTON of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11970) to authorize the Chattahoochee and Gulf Railroad Company, of Alabama, to construct a bridge across the Choctawhatchee River, a navigable stream, in Geneva County, Ala.



The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read. It provides that the Chattahoochee and Gulf Railroad Company, of Alabama, be, and is hereby, authorized to construct and maintain and operate a bridge across the Choctawhatchee River, a navigable stream, in the county of Geneva, State of Alabama, said bridge to be located about 11 miles from the town of Geneva, in said county.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The following committee amendment was read, and agreed to:

On page 2, in line 1, after the word "location," insert the following: "giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the river, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CLAYTON of Alabama, a motion to reconsider the last vote was laid on the table.

#### NATIONAL BANKS.

Mr. BROSIUS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12333) to provide for the extension of the charters of national banks.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.,* That the Comptroller of the Currency is hereby authorized, in the manner provided by, and under the conditions and limitations of, the act of July 12, 1882, to extend for a further period of twenty years the charter of any national banking association which shall desire to continue its existence after the expiration of its present charter.

The committee amendment, inserting, after "association," in line 7, the words "extended under said act," and striking out "present," in line 9, was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Mr. Speaker, we should be very glad to have a full explanation of the bill. I could not catch it in all its provisions as it was read.

Mr. BROSIUS. Mr. Speaker, an explanation is very proper. I think the best and most satisfactory explanation that could be made is what the Comptroller has said about it, which is a part of the report of the committee. I will ask the Clerk to read the passage from the Comptroller's report upon the subject, which makes it entirely clear. It is in small print in the report.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

#### EXPIRATION OF CHARTERS OF NATIONAL BANKS AND EXTENSION OF CORPORATE EXISTENCE.

Under the provisions of section 1 of the act of July 12, 1882, the charters of 1,737 national banks have been extended for a term of twenty years from the date of expiration of the period of succession named in their original articles of association. The first of these extended charters will expire on July 14, 1902, and others will follow. The question is thus raised as to whether authority is conferred upon the Comptroller by the above-mentioned section to extend the corporate existence of a bank for a second term of twenty years from the date of expiration of the period of its first extension or whether under present law an association is limited to one extension of twenty years from the expiration of the period of succession named in the original articles of association.

Section 1 of the act of July 12, 1882, under which such extensions are granted, reads as follows:

"That any national banking association organized under the acts of February 25, 1863; June 3, 1864, and February 14, 1880, or under sections 5133, 5134, 5135, 5136, and 5154 of the Revised Statutes of the United States may, at any time within the two years next previous to the date of the expiration of its corporate existence under present law and with the approval of the Comptroller of the Currency, to be granted as hereinafter provided, extend its period of succession by amending its articles of association for a term of not more than twenty years from the expiration of the period of succession named in said articles of association, and shall have succession for such extended period unless sooner dissolved by the act of the shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law, or unless hereafter modified or repealed."

Mr. RICHARDSON of Tennessee. Mr. Speaker, in order to save time, I shall object to the consideration of this bill when it is called up by unanimous consent. If we had time to consider it, and consider it carefully, we might agree to it; but I know it is not desired to take up time, and if it is called up by unanimous consent I shall object.

Mr. BROSIUS. Does my friend from Tennessee understand that this is absolutely necessary to continue the existence of national banks?

Mr. RICHARDSON of Tennessee. If it is absolutely necessary, we have been in session now nearly two years, and we should have passed it. I object to it at this hour.

The SPEAKER. Objection is made by the gentleman from Tennessee.

#### ANTONIE LA PIERRE AND OTHERS.

Mr. KING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8160) locating certain land scrip in the name of Antonie La Pierre and others.

The bill was read, as follows:

*Be it enacted, etc.,* That the locations of the following scrip, namely, that known as Chippewa half-breed scrip No. 317, for 80 acres, in the name of Antonie La Pierre, and that known as Chippewa half-breed scrip No. 322, for 80 acres, in the name of Antonie Bagage, issued by the Commissioner of the General Land Office under the act of Congress approved December 19, 1854 (ratifying and giving effect to the treaty of September 30, 1854, with the tribe of Indians known as the Chippewas of Lake Superior, whereby certain territory was ceded to the United States, and granting to each head of a family of such tribe, in fee simple, a reservation of 80 acres of land to be selected in the territory ceded by said treaty, situate within the States of Michigan, Wisconsin, and Minnesota, and extending like benefits and privileges to the mixed bloods belonging to or connected with such tribe who should permanently reside upon the ceded lands), made February 9, 1874, respectively, upon the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section 23, and upon the south half of the southeast quarter of said section 23, in township 1 north, of range 1 west, in the Salt Lake City land district, in the Territory (now State) of Utah, and the patents issued by the Land Department January 25, 1875, in the names of said scrip-tees, respectively, for the lands embraced by said scrip locations, be, and the same are hereby, ratified and confirmed, and the title to said lands is hereby confirmed in said patentees and their transferees, mediate or remote, to the same extent as though said patents had been in all respects valid when issued.

The SPEAKER. Is there objection?

Mr. MADDOX. I reserve the right to object until we can have an explanation.

Mr. KING. Mr. Speaker—

Mr. GROSVENOR. I think that bill had better be considered by the committee.

Mr. KING. If my friend from Ohio will withhold for a moment.

Mr. GROSVENOR. There has been time enough to consider the bill during the whole session of Congress, and to have passed it.

Mr. KING. I hope the gentleman will withhold his objection for one moment.

Mr. GROSVENOR. I object.

The SPEAKER. Objection is made by the gentleman from Ohio.

Mr. KING. I hope my friend does not do that by way of retaliation because of the objection just made by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. GROSVENOR. I do it in part for that.

#### DISPOSITION OF LANDS, ETC.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

The Clerk proceeded to read the bill.

Mr. STEPHENS of Texas. Mr. Speaker, I wish to state that this is a long bill, and there is one section which I object to. Unless the gentleman will agree to strike out the last section of this bill I shall object to its consideration. That bill provides in this section to which I object that citizens of Oklahoma shall have the right to take a double homestead in Oklahoma by having one homestead in the settled portion and going into the new reservation and procuring another homestead. I therefore object to the consideration of the bill unless the gentleman will agree to strike out that section.

Mr. FLYNN. Mr. Speaker, I realize—

Mr. McRAE. Will the gentleman allow me to say a word? I suggest, as a compromise between these two gentlemen, to strike out the words in section 2 "of the Territory of Oklahoma," and then section 4 the bill will be general. Will that be satisfactory to the gentleman from Texas?

Mr. PAYNE. Mr. Speaker, I could not hear what the gentleman from Arkansas said.

The SPEAKER. The House will be in order. The Chair desires to state that there are remaining but a few weeks of this Congress, with much work to be done, and it is absolutely essential that the members contribute to the maintenance of such order upon the floor as will enable us intelligently to transact business with reasonable dispatch, and to do so we must have the help of every member of the House. Members are not aware of the amount of conversation that they indulge in during the early part of the day.

Mr. STEPHENS of Texas. Mr. Speaker, in answer to the gentleman from Arkansas, I wish to state that his amendment would be much better than the original bill; but as his amendment would permit parties in any part of the United States now having homesteads, who received a homestead from the General Government, to take another reservation, I do not think it is right. I object.

Mr. FLYNN. I will withdraw that part of the bill. I realize that the gentleman has got me in a pocket, and I will withdraw section 4.

The SPEAKER. The Chair will again submit the request of the gentleman, with the modification as made by him. Is there objection?

Mr. MADDOX. Mr. Speaker, I think this is too important a bill to pass without knowing anything about it. I know nothing about this bill, and I want to look it over. I object.



## DEPUTY CLERKS OF UNITED STATES COURTS.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13303) to amend section 19 of chapter 252, 29 Statutes at Large, approved May 28, 1896.

The bill was read, as follows:

*Be it enacted, etc., That the proviso of section 19 of chapter 252 of the act approved May 28, 1896, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," is hereby amended so as to read as follows: "Provided, That all acts and parts of acts applicable to commissioners of circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act. Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney. That United States commissioners and all clerks and deputy clerks of United States courts are hereby authorized to administer oaths."*

The SPEAKER. Is there objection?

Mr. PAYNE. I would like to have an explanation of the bill.

Mr. FLEMING. The only effect and purpose of this bill is to permit deputy clerks in United States courts to administer the oath as the clerk himself administers it. In the act of 1896 there seems to have been an omission. The act read: "That all clerks of the United States courts shall be permitted or authorized to administer oaths." Some of the judges of the United States courts have held that that language is not broad enough to enable the oath to be administered by the deputy.

Mr. PAYNE. Is that the only change?

Mr. FLEMING. That is the only change. The bill is unanimously reported by the Committee on the Judiciary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. FLEMING, a motion to reconsider the vote by which the bill was passed was laid on the table.

## SPANISH WAR CLAIMS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2799.

The bill was read by its title.

The SPEAKER. The Chair understands that this strikes out the enacting clause and inserts another provision.

Mr. HAUGEN. Yes, sir.

The SPEAKER. Does the gentleman desire the new proposition to be read only?

Mr. HAUGEN. Yes, sir.

The SPEAKER. Without objection, the original bill will not be read and the new proposal will be read.

The Chair hears no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That jurisdiction be, and is hereby, conferred upon the Court of Claims to receive, examine, and adjudicate all claims of citizens of the United States against Spain which the United States agreed to adjudicate and settle by the seventh article of the treaty concluded between the United States and Spain on the 10th day of December, 1898. It shall adjudicate said claims according to the merits of the several cases, the principles of equity, and of international law."

"SEC. 2. That the said Court of Claims shall have authority to employ interpreters, translators, and commissioners for the taking of testimony in remote places, and the expenses of the same to be paid out of any money in the Treasury not otherwise appropriated: *Provided, however,* That claimants shall pay all costs and expenses in taking testimony by deposition in support of their claims."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman if this bill is in substance the bill that was considered on a former day?

Mr. HAUGEN. This bill was recommitted to the Committee on War Claims with instructions to confer authority upon the Court of Claims to receive, examine, and adjudicate all claims of citizens of the United States against Spain which the United States agreed to adjudicate and settle by the seventh article of the treaty of peace concluded between the United States and Spain.

Mr. RICHARDSON of Tennessee. I remember the discussion very well on a former bill. What I wish to ask the gentleman is, if this bill reported now is reported in accordance with the instructions given by the House to the committee?

Mr. HAUGEN. Yes.

Mr. RICHARDSON of Tennessee. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Speaker, I wish to say that the Committee on War Claims have complied with the instructions of this House that these claims should be referred to the Court of Claims. It seems, gentlemen, to me that it would be unwise, unjust, and unstatesmanlike to refer these claims to the Court of Claims. We have at the present time 320 claims filed in the State Department, amounting in the aggregate to \$38,000,000. I am advised that a

single firm in the city of Washington holds claims aggregating upward of \$50,000,000; firms in New York and different parts of this country have claims now pending amounting in the aggregate to several hundred millions of dollars. I hold in my hand the calendar of the Court of Claims. On the 1st of December, 1899, there were 640 trial cases and 340 law cases, and for the 1st of December of last year the number was 1,144 trial cases and 394 law cases. The business of that court, according to the calendar, has increased nearly 50 per cent. I find, by the Attorney-General's report for the year 1899, that there were 28,102 cases pending before this court, and it seems to me, gentlemen, to refer these claims to the Court of Claims would be nothing less than repudiation, and I trust this amendment to refer this claim to the Court of Claims will be voted down.

Mr. UNDERWOOD. Will the gentleman from Iowa allow me a question?

Mr. HAUGEN. Yes.

Mr. UNDERWOOD. Has the gentleman reported a bill from the Committee on War Claims according to the instructions from the House, and is he now advising the House to vote down the bill?

Mr. HAUGEN. I am stating to the House the facts as they exist to-day, and I say that it would not seem wise or advisable now to refer these claims to the Court of Claims.

Mr. UNDERWOOD. I merely wanted to know the position the gentleman takes. He is opposed to the bill that he is reporting to the House?

Mr. HAUGEN. I am opposed to this amendment, and I hope it will be voted down.

Mr. GROSVENOR. If the gentleman will allow me a suggestion, I think he has a perfect right to do that. The committee is not bound beyond the duty of reporting back the amendment under the instructions of the House. It is left to the individual conscience of every member to vote against it if he pleases.

Mr. HAUGEN. Mr. Speaker, I believe this bill was recommitted to the committee under a misapprehension. It was stated that the Court of Claims was not overburdened with work, but upon investigation we find they are. They have more work than they can reach for a number of years, and now to refer these claims to this court, as I have before said, would be nothing less than repudiation.

Mr. UNDERWOOD. It is evident that the gentleman obtained unanimous consent of the House under a misapprehension of the House. We expected to vote on a bill framed under the instructions of the House.

Mr. HAUGEN. It is now with the House to say whether they will accept this amendment or not.

Mr. UNDERWOOD. The House presumed the committee were carrying out the instructions of the House.

The SPEAKER. Has the gentleman from Iowa concluded his observations?

Mr. HAUGEN. Yes.

The SPEAKER. The question is on agreeing to the amendment. The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were 25 ayes and 80 noes.

Mr. UNDERWOOD. Mr. Speaker, this bill has been once referred to this committee, and unless the gentleman is willing to open up the question and allow us to debate it, as I do not think this side of the House has had an opportunity, nor, in fact, gentlemen on that side, I shall have to raise the point of no quorum. We had the question before the House at the last session—

The SPEAKER. Does the gentleman make the point of no quorum?

Mr. UNDERWOOD. No, Mr. Speaker. I ask for unanimous consent that the question be open for thirty minutes' debate, fifteen minutes on each side.

Mr. PAYNE. I think that is a perfectly reasonable request, Mr. Speaker, and I hope it will be granted.

The SPEAKER. Before the announcement of the result of the vote, the gentleman from Alabama asks unanimous consent that this matter be debated for fifteen minutes on a side, the gentleman from Iowa [Mr. HAUGEN] to control one half and the gentleman from Alabama [Mr. UNDERWOOD] to control the other half. Is there objection? [After a pause.] The Chair hears none. Without objection, the last vote will be reconsidered.

There was no objection.

Mr. HOPKINS. Mr. Speaker, the bill we are going to vote upon has not been read. The gentleman from Iowa had read the amendment, which was voted down, but the proposition that we are to vote upon has not been read to the House.

The SPEAKER. It has not been read. The House gave unanimous consent to dispense with the reading of that and to have read only the new proposition.

Mr. HOPKINS. The reason I did not object to that was because I supposed the substitute to be read was the one the gentleman from Iowa proposed to have adopted.

The SPEAKER. What is the request of the gentleman from Illinois?



Mr. HOPKINS. My request is that the bill we are to vote upon be read to the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the original bill be read to the House. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

*Be it enacted, etc.,* That the President of the United States shall appoint, by and with the advice and consent of the Senate, three suitable persons learned in the law, who shall constitute a commission, whose duty it shall be, and it shall have jurisdiction, to receive, examine, and adjudicate all claims of citizens of the United States against Spain which the United States agreed to adjudicate and settle by the seventh article of the treaty concluded between the United States and Spain on the 10th day of December, A. D. 1898. It shall adjudicate said claims according to the merits of the several cases, the principles of equity, and of international law. One of said persons shall be designated by the terms of his appointment to be the president of said commission.

The President of the United States, by and with the advice and consent of the Senate, shall fill by appointment all vacancies which may occur in said commission.

SEC. 2. That each of the members of said commission, the Assistant Attorney-General, the assistant attorneys, and the clerk provided for by this act shall be citizens of the United States, and shall take the oath of office prescribed by law to be taken by officers of the United States.

SEC. 3. That the said commission shall, within thirty days after the appointment of the members thereof, meet, and it shall thereafter hold its sessions, in the city of Washington. The Department of Justice shall provide said commission with all necessary and suitable rooms and offices for holding its sessions and transacting its business. All the expenses, including salaries and compensation of said commission and of its officers and employees, shall be paid by the Department of Justice, upon vouchers certified by the president of the commission or by one of the other members of the commission in case of his absence or inability to act; and the sum of \$50,000 annually, or so much thereof as may be necessary, is hereby appropriated and made immediately available for the Department of Justice as a special fund for the payment of said expenses.

SEC. 4. That the commission is empowered to make all necessary or convenient and proper rules and regulations of practice and procedure for the transaction of its business.

SEC. 5. That the commission is empowered to appoint a clerk, who shall be versed in the English and Spanish languages, and may also appoint one messenger and one or more stenographers, typewriters, and interpreters as the business of the commission may require; and may also appoint one or more commissioners, whose duty it shall be to take testimony in such cases as may be brought before said commission. Such commissioners to take testimony shall be citizens of the United States, and they shall receive for their services such fees as may be fixed by said commission, not exceeding the fees allowed by law for the taking of testimony to be used in the courts of the United States, including the sum of \$3 per day which the courts of the United States are now authorized by section 21 of the act of May 23, 1896, to allow to commissioners.

The clerk of said commission shall, before assuming the duties of his office, execute a bond to the United States, with sufficient surety or sureties, in such amount and conditioned as the Attorney-General shall prescribe, for the faithful performance of his duties as such clerk.

The appointments authorized by this section shall be made without reference to the rules and regulations of the civil service.

SEC. 6. That the President shall appoint, by and with the advice and consent of the Senate, one additional Assistant Attorney-General of the United States, who shall hold his office during the existence of said commission, and the Attorney-General of the United States is empowered to employ such assistant attorneys as the business of the commission may require. It shall be the duty of said Assistant Attorney-General and assistant attorneys to appear as attorneys and counsel for the United States, under the direction of the Attorney-General, and defend the United States in all proceedings to adjudicate claims which may be had before said commission or upon appeal from its awards.

SEC. 7. That each of the said commissioners and the clerk and each of the commissioners to take testimony shall have authority to administer oaths in all proceedings before the commission, and every person knowingly and willfully swearing or affirming falsely in any such proceedings shall be deemed guilty of perjury, and shall, upon conviction, suffer the punishment provided by the laws of the United States for that offense, when committed in its courts of justice.

SEC. 8. That all reports, affidavits, records, proceedings, and other documents now on file or of record in the Department of State, or in any other Department, or certified copies thereof, relating to any claims prosecuted before the said commission under this act shall be furnished to the commission upon its order, made of its own motion or at the request of the claimant or of the attorney representing the United States before said commission, and shall be given such weight as evidence as the said commission shall think just; but the commission is authorized to require other evidence, and the claimants and the United States are authorized to introduce other evidence in support of or in opposition to any claim.

SEC. 9. That every claim prosecuted before said commission shall be presented by petition, setting forth concisely and without unnecessary repetition the facts upon which such claim is based. It shall also state the full name, the residence, and the citizenship of the claimant, and the amount of damages sought to be recovered, and shall pray judgment upon the facts and law. It shall be signed by the claimant or his attorney, and be verified by the affidavit of the claimant, his agent, or attorney. It shall be filed with the clerk of the commission, and the prosecution of the claim shall be deemed to have been commenced at the date of such filing. All claims shall be filed as aforesaid within six months from the date of the first meeting of the commission, and every claim not filed within such time shall be forever barred: *Provided*, That the commission may receive claims presented within six months after the termination of said period if the claimants shall establish to their satisfaction good reasons for not presenting the same earlier.

SEC. 10. That service of the petition shall be made upon the Attorney-General of the United States at such time and in such manner as may be prescribed by the rules of said commission. It shall be his duty to defend the interests of the United States, and he shall, within sixty days after the service of the petition upon him, unless the time shall be extended by order of the commission, file a demurrer or answer to said petition, which answer shall set up all matters of counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government against such claim: *Provided*, That should the Attorney-General fail to so answer or demur, the claimant may proceed with the case under such rules as the commission may adopt; but the claimant shall not in such case have award for his claim or for any part thereof unless he shall establish the same by proof satisfactory to the commission.

SEC. 11. That the award in favor of any claimant shall be only for the

amount of the actual and direct damage which said claimant shall prove that he has sustained. Remote or prospective damages shall not be awarded, nor shall interest be allowed on any claim.

SEC. 12. That all awards of said commission shall be final unless a new trial or hearing shall be granted by said commission or the award reversed or modified upon appeal, as hereinafter provided.

SEC. 13. That either the claimant or the United States may appeal from any final decision of the commission allowing or rejecting any claim, where the amount in controversy is more than \$5,000, to the court of appeals of the District of Columbia as are now provided by law for appeals to the said court of appeals from the supreme court of the District of Columbia, and as near as may be upon like conditions and limitations provided by law for appeals to said court of appeals. The mode of procedure in claiming and perfecting an appeal shall conform in all respects, as near as may be, to the mode of procedure in obtaining and prosecuting appeals from the supreme court of the District of Columbia to the said court of appeals. The return by the commission upon appeals to the said court of appeals shall consist of a certified copy of the entire record of the proceedings before said commission, including therein copies of the pleadings, of the testimony, and of the award. The court of appeals shall hear and determine such appeals upon the issues of fact and law presented by such record upon the merits.

The appeal to the said court of appeals shall, as to each appeal, be taken within sixty days from the date of the rendition of the award appealed from. The decisions and judgments of said court of appeals in all cases appealed to said court shall be final and conclusive.

For making the return by the commission to the court of appeals, in cases where the claimant is appellant, the clerk of said commission shall be paid by the appellant the fees allowed by law to the clerks of the circuit courts of the United States in making returns upon appeals from said circuit courts to the Supreme Court of the United States. Said clerk shall pay into the Treasury of the United States monthly the amount of all fees collected by him during the preceding month.

SEC. 14. That the commission shall file with the Secretary of State a copy of the award in each case immediately after the same shall have been made and become final, and in every case of final award by said commission, or of final judgment or decree, on appeal, by the said court of appeals where the same is affirmed in favor of the claimant, the sum adjudged due shall be paid out of any appropriation made or to be made by Congress for the payment and satisfaction of such awards on presentation to the Secretary of the Treasury of a copy of said award, or, in case of appeal, of the judgment or decree of affirmation, certified by the clerk of the commission and signed by the president of said commission, or by the Secretary of State in case said commission has terminated and ceased to exist.

All the files and records of said commission shall immediately upon the expiration thereof be deposited in the office of the Secretary of State.

SEC. 15. That the salaries and compensation of the persons appointed under this act shall be as follows, and the same shall be paid monthly in equal installments:

To each commissioner, the sum of \$5,000 per annum.  
To the Assistant Attorney-General, the sum of \$5,000 per annum.  
To the clerk, the sum of \$3,500 per annum.  
To such assistant attorneys as may be employed, at the rate of \$200 per month to each for the time of actual employment.  
To the messenger and to each stenographer and typewriter, the sum of \$1,200 per annum.  
To each interpreter, not exceeding the sum of \$1,800 per annum.

SEC. 16. That the powers and jurisdiction hereby granted to said commission shall be in force and continue for the period of two years from the date of the approval of this act, and for no longer time: *Provided*, That the President may, from time to time, extend the said period beyond said two years, not exceeding six months in each instance, when in his judgment such extension is necessary to enable the commission to complete its work: *And provided further*, That in case the commission shall have completed its work before the expiration of the said two years, the President may dissolve said commission.

Mr. HOPKINS. Now, Mr. Speaker—

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] is recognized.

Mr. HOPKINS. When unanimous consent was granted this bill had not been read, and very few members knew anything about it. By the revocation of the vote already taken the bill and the amendment are before the House, and I think it due to members that the proposed amendment be read so that—

The SPEAKER. It has been read in extenso this morning.

Mr. HAUGEN. I ask that a part of the report which I send to the desk be read.

A MEMBER. Let the whole report be read.

The SPEAKER. If the gentleman from Iowa desires the reading of the report, it will have to be read in his time.

Mr. BURKE of Texas. Mr. Speaker, has unanimous consent been given for the consideration of this bill?

The SPEAKER. It has. The bill is now before the House upon an agreement for fifteen minutes' debate on each side. The Clerk will read from the report of the committee the portion indicated by the gentleman from Iowa [Mr. HAUGEN].

The Clerk read as follows:

By the seventh article of the recent treaty with Spain it was stipulated that "the United States and Spain mutually relinquish all claims for indemnity, national and individual, of either kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war."

The article then declares that "the United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article."

The President of the United States, in his recent message laid before Congress, said:

"I would recommend appropriate legislation in order to carry into execution Article VII of the treaty of peace with Spain, by which the United States assumed the payment of certain claims for indemnity of its citizens against Spain."

Mr. HAUGEN. Mr. Speaker, by the reading of this report it will appear that in this bill we are not proposing to depart from the precedents established in legislation heretofore adhered to. I



call attention to the following from the President's annual message of December, 1899:

I would recommend appropriate legislation in order to carry into execution Article VII of the treaty of peace with Spain, by which the United States assumed the payment of certain claims for indemnity of its citizens against Spain.

I also call attention to the following from the President's last annual message of December, 1900:

A bill is now pending to effect the recommendation made in my last annual message that appropriate legislation be had to carry into execution Article VII of the treaty of peace with Spain, by which the United States assumed the payment of certain claims for indemnity of its citizens against Spain. I ask that action be taken to fulfill this obligation.

I wish to say, Mr. Speaker, that this bill was drawn by the late Senator Davis, chairman of the Senate Committee on Foreign Relations, having this bill in charge, and who was also a member of the peace commission at Paris. The bill was favorably recommended by the State Department. It has been carefully drawn, and contains, I think, all the safeguards that can possibly be provided in a case of this kind.

Mr. HOPKINS. I would like to ask the gentleman from Iowa in charge of this bill what safeguards are placed around the introduction of evidence upon which these claims are to be determined. I notice that in the bill some mention is made to the effect that the affidavits and other documents before the Secretary of State may be used as evidence; and reference is made to other evidence that may be used. This evidence is *ex parte*. The witnesses giving this evidence have not been subjected to cross-examination. It seems to me the bill should make some provision that the Government of the United States is not to be responsible for any of these claims unless the claim is made out as clearly and fully as is required in courts of common law. Under the bill as drawn, it seems to me *ex parte* affidavits, unsworn statements, in fact, any sort of evidence, can be used to establish a claim.

Mr. HAUGEN. I wish to say that the question now raised by the gentleman from Illinois [Mr. HOPKINS] was raised when we were discussing this bill before. It is possible an amendment may be introduced to cover the point he raises; and I certainly would not object to such an amendment if it be thought advisable by members of the House. On the former discussion, however, I think we came to the conclusion that the bill in its present form could not be improved upon.

Mr. PARKER of New Jersey. I wish to ask the gentleman whether this is a Senate bill or a House bill?

Mr. HAUGEN. A Senate bill.

Mr. PARKER of New Jersey. Then if passed here it is not subject to amendment in the Senate?

Mr. HAUGEN. No; unless we amend the bill here in the House, in which case it will go to conference.

Mr. PARKER of New Jersey. There was one question I was about to ask. According to my experience, the determination of a commission is not regarded as having the same effect as the decision of a court. Does the gentleman see any way of providing that the tribunal here contemplated shall be a special court, so that its decisions made upon evidence on both sides shall have the effect of decisions of a court?

Mr. HAUGEN. These decisions are to be referred to Congress to be acted upon, and Congress must make the necessary appropriations to carry them into effect.

Mr. PARKER of New Jersey. It is perfectly true that these matters will be referred to Congress; but decisions made by commissions established after the civil war are still being brought before us, even in cases where the decision was adverse, and new evidence is brought in here to enable us to determine the matter in favor of the particular claim. A decision by a court has a certain magical effect in the view of the people, as it is right it should have, because in such a case notice is given to both parties and evidence is presented on both sides before a decision is reached. While I do not believe in sending these cases to the Court of Claims—

Mr. HAUGEN. I have only fifteen minutes, and I must reserve the balance of my time.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] has ten minutes remaining.

Mr. UNDERWOOD. Mr. Speaker, I suppose some members of this House recollect the history of this legislation in this Congress. What I shall say on that line I wish to say merely because I want to have the RECORD show how unanimous consent was obtained for the consideration of this bill.

During the last session of Congress the bill just read from the Clerk's desk was reported to the House. There was developed a great deal of opposition to it, both on the Democratic and the Republican side of the House.

An amendment was offered to the bill proposing to refer the entire question to the Committee on the Judiciary to consider the establishment of this commission. Members of the House, however, thought that that might be considered a reflection on the Committee on War Claims, and finally it was agreed to refer the bill

back to the Committee on War Claims, instructing that committee to give the authority and power to the committee to decide all these questions.

Now, Mr. Speaker, the Committee on War Claims is composed of able and good lawyers. But they do not consider and are not conversant with the legislation creating the judicial tribunals of the courts or the precedent for their establishment. A bill of the kind proposed here manifestly should go to the Committee on the Judiciary, where these questions may properly be considered, and a bill of this kind necessarily ought not to come from the Committee on War Claims.

And so the House, which was unwilling to pass the bill six months ago, by a large vote referred the matter back to the Committee on War Claims with a distinct understanding and statement from the gentleman from Pennsylvania [Mr. MAHON], the chairman of the committee, that the committee would obey the instructions of the House. I remember the circumstance very distinctly myself.

Now, it is true the Committee on War Claims and the chairman of that committee obeyed the instruction of the House in letter; but they are not obeying the instruction in spirit in the final action proposed here. This matter was referred to them with instructions to report a bill giving the committee authority and jurisdiction to decide these matters.

What did that committee do under the order of the House? They did not report a bill here for the purpose contemplated, but, under the guise of an amendment, they report an original bill that we had before the House six months ago, with an amendment which the gentlemen on this side of the House, and on that side of the House I have no doubt also, believe the committee intended to have adopted merely carrying out the instructions given before, and not with any intention to raise the old fight again. But it is manifest that unanimous consent would never have been given had the House understood the proposition in any other way than I have suggested.

I say, therefore, Mr. Speaker, that this bill manifestly comes before the House in an unfair manner. Members did not understand that this action was proposed. They had a right to suppose that the committee would carry out the instructions of the House. The House has expressed its will in reference to the matter. This has taken the House by surprise. It has taken the opponents of the bill by surprise. I notice myself that several of the gentlemen who were most earnest in their opposition to the bill six months ago, when it was first presented, are not even present in the Chamber to-day, as I am sure they would have been if it had been understood that this question was to come up for consideration.

Now, as to the original proposition, the question may be asked, Should it not pass? In the first place, I have no doubt that there are numbers of these Spanish claims that are just and that ought to be paid. But there are hundreds of them that are fraudulent and ought not to be paid. I understand that there are more than \$100,000,000 involved in these Spanish war claims. Of course, as I have said, many are merely fictitious or fraudulent; but there is no doubt in my own mind that many of them are just and ought to be carefully considered and adjudicated. But the amount I have suggested is in the neighborhood of the claims filed and which are being advocated before the committee. Now, what do you propose to do here?

Mr. HOPKINS. Will the gentleman allow an interruption for a moment?

Mr. UNDERWOOD. Certainly.

Mr. HOPKINS. Mr. Speaker, I would like to ask a parliamentary question, for which the gentleman from Alabama yields to me. Would a motion to postpone the consideration of this bill to one week from to-day be in order now?

The SPEAKER. If the gentleman has the floor, of course he can make that motion, or if some one would yield time to the gentleman to make the motion the Chair thinks it would be in order.

Mr. UNDERWOOD. As soon as I finish a brief statement I will yield to the gentleman for that purpose.

Now, Mr. Speaker, considering the large amount that is involved, it is necessary for the protection of the Government of the United States that these claims should go before a court, not only that is properly organized to protect the Government, but one that is also able to do justice to the claimants themselves.

Mr. HOPKINS. Now, if the gentleman from Alabama will yield me five minutes I will make the motion.

Mr. UNDERWOOD. In a moment. It is not only for that purpose, but the House must recognize the fact that these claims are such that a court, thoroughly trained in the taking of testimony, ought to have the opportunity of looking into them.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. UNDERWOOD. In one moment. We all know, Mr. Speaker, that although you can show a large number of claims on the docket of the Court of Claims, that many are old claims which have never yet been heard or considered, and there is ample



opportunity, as everybody knows, in a reasonable time, to get justice before the Court of Claims.

I now yield to the gentleman from Ohio for a question.

Mr. GROSVENOR. I asked the gentleman from Alabama to yield to me, not so much for the purpose of asking a question as to make a single statement, which would take less time, perhaps, than a question. I know myself that there has been a claim prepared for trial twelve years ago, and which has been pushed with all the force of three or four lawyers, who are engaged in the case before that court, but there has been no judgment of the Court of Claims upon it; and a final determination seems to be as far away to-day as it was at the beginning of the litigation.

Mr. UNDERWOOD. Well, that may be so, Mr. Speaker, in reference to some claims, but I know of claims from my district, for my constituents, that have been tried and heard and judgment rendered in far less time in that court.

I now yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I do not know that I am opposed to this bill. When I conclude my remarks I desire to move to postpone the consideration of the bill until one week from to-day, with a view to making certain amendments to the bill, so as to put it in better shape than it now is. It appears that when this bill was before the House on a former occasion, after consideration and debate, it was recommitted to the committee with instructions to report the amendment that was just considered by the House. Now, in view of that, I think that it is important that the bill should go over this morning to some definite time, so that the members of the House can know and come here when it is to be considered.

Mr. PAYNE. I think if the gentleman will make that motion there will be no objection to the bill going over.

Mr. HOPKINS. I will make the motion, then.

Mr. SIMS. I am a member of the committee, and I should like to ask that this be done by unanimous consent. I do not think there will be any objection.

Mr. HOPKINS. Well, I ask unanimous consent that the consideration of the bill be postponed until one week from to-day.

Mr. HAUGEN. Mr. Speaker—

The SPEAKER. The Chair will remind the gentleman that the House has fixed the debate at fifteen minutes on a side. The gentleman from Illinois asks unanimous consent that the further consideration of this bill be postponed until one week from to-day. Is there objection?

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5717. An act to authorize the construction and to maintain a dam and wagon bridge across Twelvemile Bayou, in the parish of Caddo, in the State of Louisiana; and

S. 5331. An act to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bills of the following titles:

S. 3941. An act granting an increase of pension to John Hutchens; and

S. 352. An act granting an increase of pension to Catherine A. Young.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. SEWELL, and Mr. TELLER as the conferees on the part of the Senate.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5331. An act to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.—to the Committee on the Merchant Marine and Fisheries.

S. 5717. An act to authorize the construction and to maintain a dam and wagon bridge across Twelvemile Bayou, in the parish of Caddo, in the State of Louisiana—to the Committee on Interstate and Foreign Commerce.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SALMON, for two days, on account of important business.

#### ADELLA M. ANTHONY.

The SPEAKER laid before the House the bill (H. R. 9382) granting a pension to Adella M. Anthony, with Senate amendments.

Mr. PAYNE. Mr. Speaker, I introduced that bill in the House, and by some mistake in drawing it the sum was fixed at \$10 a month instead of at \$12, the amount of pension the widow would be entitled to. Afterwards it was stated that there was a very young child, and the Senate have amended the bill, making it \$12 a month for the widow and \$2 for the minor child. She is the widow of a soldier killed in the late war with Spain. I move that the Senate amendment be concurred in.

The motion was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

#### GEORGE J. TITCOMB.

The SPEAKER also laid before the House the bill (H. R. 533) to remove the charge of desertion against George J. Titcomb, and grant him an honorable discharge, with Senate amendments thereto.

Mr. HULL. Mr. Speaker, I do not know what member of the committee had that in charge, but I move to concur. The amendment is simply to put the bill in proper form.

The motion was agreed to.

#### PROVIDENCE HOSPITAL.

The SPEAKER also laid before the House the bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodation of said institution, with Senate amendments thereto.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Subsequently,

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

#### BRANDY DISTILLED FROM FRUITS.

The SPEAKER also laid before the House the bill (H. R. 12281) to amend section 3255 of the Revised Statutes, concerning the distilling of brandy from fruits, with a Senate amendment thereto.

Mr. PAYNE. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

#### H. S. REED.

The SPEAKER also laid before the House the bill (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull, with Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House non-concur in the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of the conferees on the part of the House as follows: Mr. GIBSON, Mr. GRAFF, and Mr. NORTON of Ohio.

#### PHEBE A. LA MOTT.

The SPEAKER also laid before the House the bill (H. R. 9502) granting an increase of pension to Phebe A. La Mott, with Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### ELIZABETH BEESLEY.

The SPEAKER also laid before the House the bill (H. R. 5643) granting a pension to Elizabeth Beesley, with Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

#### JAMES E. ARVIN, TERESA ARVIN, AND ANNA ARVIN.

The SPEAKER also laid before the House the bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin, with Senate amendment.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### GEORGE A. LIBBY.

The SPEAKER also laid before the House the bill (H. R. 2636) granting an increase of pension to George A. Libby, with Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### JOHN WALKER.

The SPEAKER also laid before the House the bill (H. R. 11768) granting an increase of pension to John Walker, with Senate amendment.



The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

#### SENECA INDIAN LANDS.

The SPEAKER also laid before the House the bill (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes, with Senate amendment.

The Senate amendment was read.

Mr. CURTIS. Mr. Speaker, I move that the House nonconcur in the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Kansas moves to nonconcur in the Senate amendment and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following managers on the part of the House: Mr. SHERMAN, Mr. CURTIS and Mr. LITTLE.

#### WILLIAM BURKE.

The SPEAKER also laid before the House the bill (H. R. 4020) for the relief of William Burke, with Senate amendment.

The Senate amendment was read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

#### MASONIC MUTUAL RELIEF ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair lays before the House the following Senate bill, called up by the gentleman from Wisconsin [Mr. JENKINS]; and the Chair is advised that a substantially similar bill has been reported by a committee of the House.

The Clerk read as follows:

A bill (S. 5585) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

*Be it enacted, etc.,* That the act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1899, as amended by the act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,' approved March 3, 1899," approved February 20, 1893, be amended by striking out sections 6 and 7 of said act and substituting for the fifth section of said act the following:

"SEC. 5. That the said board of directors may be increased from time to time to a number equal to the number, for the time being, of Masonic lodges in the District of Columbia, and the said board shall be capable of taking and holding the funds, property, and effects of said corporation, which funds, property, or effects shall never be divided among the members of the said society or corporation, but shall descend to their successors, duly elected in the manner heretofore specified, for the promotion of the principles of the said corporation and the benevolent purposes of the society which they represent; but this provision shall not prevent the said board of directors from carrying out the principles of the society or corporation, namely, the immediate payment to the widow, orphan, heir, assignee, or legatee of a deceased member as many dollars as there are members in good standing on the books of the corporation, not exceeding \$1,000, or the amount specified in the certificate of membership held by said member: *Provided, however,* That no certificate of membership shall be issued by said corporation for an amount exceeding \$2,000."

Mr. JENKINS. Mr. Speaker, this bill is identical in all respects with one previously and unanimously reported by the Committee on the District of Columbia.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the bill H. R. 13623, similar to the bill just passed, will lie on the table. The Chair hears no objection.

#### REFORM SCHOOL FOR GIRLS OF THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill H. R. 13802.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the following bill.

The Clerk read as follows:

A bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888.

*Be it enacted, etc.,* That sections 8, 9, and 15 of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," approved May 3, 1876, which act was made applicable to the Reform School for Girls of the District of Columbia by the sixth section of the act to which this act is a supplement, be, and they are hereby, amended as applicable to the said Reform School for Girls, so as to read as follows:

"SEC. 8. That whenever any girl under the age of 17 years shall be brought before any court of the District of Columbia, or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment other than imprisonment for life, such court or judge, in lieu of sentencing her to imprisonment in the county jail or fining her, may commit her to the Reform School for Girls, to remain until she shall arrive at the age of 21 years unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School for Girls, first, any girl under 17 years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia or any law that may be enacted and in force in said District; second, any girl under 17 years of age, with the consent of her

parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any girl under 17 years of age who is destitute of a suitable home and adequate means of obtaining an honest living or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any girl under 17 years of age who is incorrigible or habitually disregards the commands of her father or mother or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to her years and condition or to attend school. And the president of the board of trustees may also commit to the Reform School for Girls such girls as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent or guardian or relative having charge of such girl, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases he is hereby empowered to administer oaths.

"SEC. 9. That every girl sent to the Reform School for Girls shall remain until she is 21 years of age unless sooner discharged or bound as an apprentice."

"SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all girls committed to the school as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the District of Columbia."

Mr. JENKINS. Mr. Speaker, I desire to say that there is not the slightest intention, so far as the report on this bill is concerned, to cast any reflection upon the board of charities or the Commissioners of the District of Columbia; and if there is anything in the report which is liable to be considered by anyone as a reflection on any of those officials, having drawn the report, I desire to say no reflection was intended. The intention of the board and Commissioners was right, but at the time misunderstood.

Now, I will ask for a vote on the bill, Mr. Speaker.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### AMERICUS V. RICE.

Mr. GIBSON. Mr. Speaker, I submit the conference report on the disagreeing votes of the two Houses on the bill (S. 3390) granting an increase of pension to Americus V. Rice.

The Clerk again read the conference report printed above.

The Clerk also read the statement, as follows:

The Senate bill proposed to increase the pension of Americus V. Rice to \$90 a month. The House amended the bill so as to increase said pension to \$100 a month; and the effect of the conference agreement is to leave the bill exactly as the House passed it.

HENRY R. GIBSON,  
J. A. NORTON,  
E. S. MINOR,

*Managers on the part of the House.*

The conference report was agreed to.

On motion of Mr. GIBSON, a motion to reconsider the last vote was laid on the table.

#### GERMAN ORPHAN ASYLUM ASSOCIATION OF DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now call up House bill 12899 in relation to the German Orphan Asylum Association of the District of Columbia.

The Clerk read as follows:

H. R. 12899. A bill to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, I ask that the reading of the preamble, which has been stricken out by the committee, be omitted and the bill proper only read.

The SPEAKER pro tempore (Mr. MOODY of Massachusetts). The gentleman from Wisconsin asks unanimous consent that the reading of the preamble be omitted. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Jacob Jose, Louis Kettler, William Kettler, John Walter, Frederick Imhoff, Charles G. Rogier, Charles Graff, Jacob J. Appich, George J. Seufferle, George Breitbarth, Christian Heinrich, Werner Koch, John A. Griesbauer, William H. Veerhoff, Clement A. Didden, George Bessler, John F. Schneider, and Otto Wehner, the present board of directors of the said de facto corporation, and their present associate members and successors, be, and they are hereby, created a body politic and corporate by the name of German Orphan Asylum Association of the District of Columbia, with all the powers, franchises, and privileges, and for the purposes set forth in the original act of incorporation, executed September 20, 1870, and recorded October 11, 1879, in liber No. 3, folio 62 et sequentes, acts of incorporation, in the office of the recorder of deeds for the District of Columbia: *Provided, however,* That the term of said corporation shall be, and hereby is, made perpetual.

SEC. 2. That all lawful acts done and all lawful engagements entered into by the said German Orphan Asylum Association of the District of Columbia, while acting as a corporation de facto, are hereby declared to be valid, and that all property rights acquired by the said German Orphan Asylum Association of the District of Columbia and belonging to it while a corporation de jure, and all property right acquired by it while acting as a corporation de facto, are hereby confirmed unto the German Orphan Asylum Association of the District of Columbia by this act incorporated, which shall hereupon succeed to all the rights and liabilities of the said German Orphan Asylum Association of the District of Columbia the body corporate de jure and de facto, saving, however, to all persons and corporations all rights and rights of action against the said original corporation and the said corporation de facto.

SEC. 3. That the said German Orphan Asylum Association of the District of Columbia by this act incorporated is hereby authorized, if such be deemed necessary, to institute in the supreme court of the District of Columbia, by proceedings in equity, by bill against all persons and corporations who may

set up any claim to any of the property rights of the said original corporation or de facto corporation by this act vested in the corporation created hereby: *Provided, however*, That nothing in this act shall be held in any wise to disturb or affect any reserved lien which the United States may have under existing law upon any of the property of the said original corporation or the said de facto corporation.

With the following amendments recommended by the committee:

Pages 1 and 2, strike out the preamble.

Page 4, line 3, strike out the word "by" where it appears after the word "Columbia."

Page 4, line 7, strike out the colon after the word "hereby" and insert the following: "for the purpose of determining finally the rights of any such adverse claims and of having its right and title to all such property rights finally affirmed by the decree of said court."

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

#### WASHINGTON GASLIGHT COMPANY.

Mr. BABCOCK. Now, Mr. Speaker, I desire to call up the motion that is on the Speaker's table, made one week ago to-day, to reconsider an instruction to the committee on House bill 13,660, relating to the Washington Gaslight Company, and for other purposes.

Mr. HEPBURN. Mr. Speaker, I do not want to raise the point of no quorum, but I do not want that motion to come up at this time in this empty Chamber. The gentlemen who voted for that amendment intended, I think, to do that, and I am not willing to have the subject disposed of now.

Mr. BABCOCK. I did not quite understand the gentleman.

Mr. HEPBURN. I say that the gentlemen who voted for that instruction intended to vote for that amendment, and have that restriction fixed on this company. I do not want the matter disposed of in this manner. At the same time, I do not want to be factions and raise the point of no quorum.

Mr. BABCOCK. I am at a loss to know how to proceed with the business if we can not reconsider this motion.

Mr. HEPBURN. Why the necessity of calling it up now, when there are not 40 members in the Chamber?

Mr. BABCOCK. I presume there is a quorum in the Capitol, and we can get them.

Mr. HEPBURN. Why not call it up when there is a full House? The matter was discussed in a full House.

Mr. BABCOCK. There are other matters on this same subject reported by the committee, and I wish to have this matter considered first before I call up the others.

Mr. HEPBURN. I can not conceive how this relates to any other matter that will properly come before the House.

Mr. LIVINGSTON. Why not let the other business come up first?

Mr. BABCOCK. The other business is pertinent to this, and under the instructions of the House, and with due respect to the House, this should be considered first. I do not want to be in contempt of the instructions of the House.

Mr. HEPBURN. Mr. Speaker, if the gentleman will permit me, it will be remembered that on the gentleman's own motion this bill was recommitted to the committee after a full discussion. The gentleman did not think it prudent then to allow the matter to come to a vote, and therefore he made the motion to recommit. Later on, at a time when the House was about as it is now as to members, he lodged this motion for reconsideration.

Mr. BABCOCK. Oh, I beg the gentleman's pardon; I did it at the earliest moment practicable.

Mr. HEPBURN. Let us have a full House, and then if the gentleman can pass his motion to reconsider, I will be content, but without being disrespectful it seems to me that this looks like a snap judgment.

Mr. BABCOCK. Will the gentleman suggest that the House adjourn?

Mr. HEPBURN. No, sir; I will not; this motion has laid over for a week, and it can lie quietly for two or three hours more until the House is filled up.

Mr. BABCOCK. Well, Mr. Speaker, it seems to me that in order to transact public business the thing to do is to get a quorum.

The SPEAKER pro tempore. The gentleman from Wisconsin calls up the motion to reconsider on House bill 13660.

Mr. HEPBURN. Mr. Speaker, I raise the point that there is no quorum present.

Mr. BABCOCK. And I raise the point of order that there is no opportunity to decide that matter. There has been no question taken, no vote from which to determine whether a quorum is present or not.

The SPEAKER pro tempore. The gentleman from Iowa makes the point of order that there is no quorum.

Mr. ROBINSON of Indiana. Let me suggest to the gentleman from Wisconsin that nearly all the members of the House who are not present are over in the Senate Chamber listening to the Senator from Minnesota, and if you let this matter go over an hour or two it may develop that there will be a quorum.

Mr. BABCOCK. I have already stated that the legislation I desire to call up is pertinent to this motion, and I would be glad to call up the other legislation first; but if I do, I am going to be charged by members on the floor as putting the Committee on the District of Columbia in contempt for not obeying the instructions of the House. This must necessarily clear the way for the other matters.

Mr. HEPBURN. The committee has already acted, has it not? Mr. BABCOCK. This bill has not been before the committee at all, but is on the Speaker's table.

The SPEAKER pro tempore. The point being made that there is no quorum present, the Chair will ascertain the fact by count. [After a count.] Ninety-two members are present—nota quorum.

Mr. BABCOCK. I rise to a parliamentary inquiry. As there has been no vote taken, I presume it will be necessary to move a call of the House in order to secure a quorum. If that is the case, I desire to make that motion at this time.

The SPEAKER pro tempore. That is the case. The gentleman from Wisconsin moves a call of the House.

The motion was agreed to; there being—ayes 61, noes 2.

Mr. BABCOCK. I rise to a parliamentary inquiry. My proposition was to call up the motion to reconsider the instructions given to the Committee on the District of Columbia, and, if I understand correctly, on the call of the House the motion to reconsider will be voted upon and those in favor of the motion will vote "aye."

The SPEAKER pro tempore. The gentleman from Wisconsin stated his purpose to call up the motion to reconsider. The point was made by the gentleman from Iowa that a quorum was not present for the transaction of business. There was no motion then pending before the House, and therefore this call of the House is a call under the ordinary form.

Mr. BABCOCK. Then the motion to reconsider is not before the House?

The SPEAKER pro tempore. It is not.

Mr. ROBINSON of Indiana. Then, as I understand, our answer will be "present?"

The SPEAKER pro tempore. The gentlemen present on this call will answer "present." The Clerk will proceed with the call of the roll.

The question being taken, the following-named members answered "present:"

Adamson,	Dayton,	Lamb,	Ryan, N. Y.
Aldrich,	De Armond,	Lane,	Ryan, Pa.
Allen, Ky.	De Graffenreid,	Lanham,	Scudder,
Allen, Me.	Denny,	Latimer,	Shackelford,
Allen, Miss.	Dick,	Lentz,	Shafroth,
Atwater,	Dinsmore,	Lester,	Shattuc,
Babcock,	Dougherty,	Levy,	Shaw,
Bailey, Tex.	Driscoll,	Linney,	Shelden,
Baker,	Eddy,	Little,	Sheppard,
Bankhead,	Elliott,	Littlefield,	Sherman,
Barber,	Emerson,	Livingston,	Sibley,
Barham,	Esch,	Lloyd,	Sims,
Barney,	Finley,	Long,	Slayden,
Bartholdt,	Fitzgerald, Mass.	Loud,	Small,
Bartlett,	Foster,	Lybrand,	Smith, Ill.
Benton,	Fox,	McCall,	Smith, Iowa
Berry,	Gaines,	McCleary,	Smith, Ky.
Bishop,	Gamble,	McClellan,	Snodgrass,
Boutell, Ill.	Gardner, Mich.	McCulloch,	Southard,
Bowersock,	Gardner, N. J.	McLain,	Spalding,
Brantley,	Gibson,	McRae,	Sparkman,
Breazeale,	Gillet, N. Y.	Maddox,	Sperry,
Brenner,	Gillet, Mass.	Mahon,	Stallings,
Brewer,	Glynn,	Mann,	Stark,
Brick,	Gordon,	Metcalf,	Steele,
Bromwell,	Graff,	Miers, Ind.	Stephens, Tex.
Brosius,	Green, Pa.	Miller,	Stewart, N. J.
Brown,	Griffith,	Minor,	Stewart, Wis.
Brownlow,	Griggs,	Mondell,	Stokes,
Brundidge,	Grosvenor,	Moody, Mass.	Sulzer,
Burke, S. Dak.	Grow,	Morris,	Sutherland,
Burke, Tex.	Hall,	Mudd,	Talbert,
Burkett,	Hamilton,	Needham,	Tawney,
Burleson,	Haugen,	Norton, Ohio	Thomas, Iowa
Burton,	Hawley,	Otjen,	Thomas, N. C.
Butler,	Hay,	Overstreet,	Tongue,
Calderhead,	Heatwole,	Parker, N. J.	Turner,
Caldwell,	Hedge,	Payne,	Underwood,
Cannon,	Hemenway,	Pearson,	Vandiver,
Capron,	Henry, Conn.	Pearre,	Van Voorhis,
Carmack,	Henry, Miss.	Phillips,	Vreeland,
Catchings,	Heppburn,	Prince,	Wadsworth,
Clark,	Hill,	Pugh,	Wanger,
Clayton, Ala.	Hitt,	Quarles,	Watson,
Clayton, N. Y.	Hoffecker,	Reeder,	Weaver,
Cochran, Mo.	Hopkins,	Reeves,	Weeks,
Cochrane, N. Y.	Howard,	Rhea, Ky.	Wheeler,
Cooney,	Hull,	Richardson, Ala.	White,
Corliss,	Jack,	Richardson, Tenn.	Williams, J. B.
Cousins,	Jenkins,	Ridgely,	Williams, W. E.
Cowherd,	Johnston,	Riordan,	Williams, Miss.
Cromer,	Jones, Va.	Robb,	Wilson, N. Y.
Crowley,	Jones, Wash.	Roberts,	Woods,
Crump,	Joy,	Robertson, La.	Wright,
Curtis,	Kahn,	Robinson, Ind.	Young,
Dalzell,	Kerr, Md.	Rodenberg,	Zenor.
Davenport, S. A.	Ketcham,	Rucker,	
Davey,	Kleberg,	Ruppert,	
Davis,	Knox,	Russell,	



The SPEAKER pro tempore. Two hundred and thirty-three members have responded to their names. A quorum is present. The gentleman from Wisconsin is entitled to the floor.

Mr. BABCOCK. Mr. Speaker, I desire to call up the motion which I made one week ago, and which I will read from page 1266 of the RECORD:

Mr. BABCOCK. I now enter a motion to reconsider the vote by which House bill 13660 was recommitted with instructions to the Committee on the District of Columbia; and I will call up that motion later.

Now, Mr. Speaker, there was objection to that particular bill because it contained provisions which I learn were objectionable to great interests here in Washington. When the bill was reported by the Committee on the District of Columbia it was supposed—and, in fact, we had reason for that belief from what we believe to be direct knowledge—that it was satisfactory to the interest affected. But members on the floor of the House seriously objected, and it was the provisions of the bill rather than the instructions offered by the gentleman from Vermont which caused the House to vote to recommit the bill. I did not ask for a yeand-nay vote, or even for a division, for the reason that the committee did not get an opportunity to present the bill in its present shape at that time.

Mr. HEPBURN. Mr. Speaker, I rise to a parliamentary inquiry. Is the motion to reconsider debatable?

The SPEAKER pro tempore. As the Chair understands, it is.

Mr. HEPBURN. Then I shall desire to be recognized.

The SPEAKER pro tempore. The Chair is confirmed in his opinion that the motion is debatable.

Mr. BABCOCK. Now, Mr. Speaker, I want to secure the attention of the House for a very few minutes. I shall not occupy more than five minutes in the statement I propose to make.

I want to make myself clearly understood in behalf of the Committee on the District of Columbia. In the first place, in 1896, the House took up the question of regulating the price of gas in the District, and reduced it from \$1.25 per thousand feet in Washington to \$1.10 and to \$1, to go into effect on the 1st day of next July. In Georgetown the price was reduced from \$1.50 to \$1.25 per thousand feet. About a year ago this House also reduced the price of electric lighting in the District from 15 cents per thousand to 10 cents, which provision, experts inform me, amounts practically to about the same thing as \$1 per thousand for gas. In other words, that 10 cents per thousand kilowatt hours for electric lighting is about equivalent to \$1 per thousand feet for gas; that is to say, it costs as much money to produce 10,000 kilowatt hours of electric lighting as to produce 1,000 cubic feet of gas. These are the facts, as I understand them.

Now, therefore, both the electric-lighting company and the gas company are on the same basis, so far as the relative cost of the production of the light is concerned. The House, in the provision to which I have referred, provided that five years from the date of the passage of that act the price was to be reduced to \$1 per thousand feet. The amendment of the gentleman from Vermont to the pending bill is that this price shall be 10 cents per thousand less each year for a series of years.

And if the committee is confined exclusively to the motion which has been made to commit the bill with certain instructions, it would preclude the committee from the consideration of any matter in relation to the bill which they may find to be absolutely essential to the interests of the people of the District. I hold that it is not germane to the proposition, and I do not think that the question ought to be taken up in connection with the legislation that we had under consideration when this bill was before the House.

If it is done, sir, I certainly think that the electric-lighting companies and the gas companies ought to be treated absolutely equitably. I do not think that there would be any justice in compelling one company to reduce its price 25 per cent less than the other. And the Committee on the District of Columbia therefore asks that the bill may go back to the committee without the instruction of the House.

Now, Mr. Speaker, the instructions were hastily drawn and are of such a character that, as I have said, we can not amend the bill in any objectionable features if it goes to the committee and is taken up for consideration there under the order of the House. The objectionable points are stated in the bill and were discussed on the floor of the House. The committee is instructed to report the bill back to the House with the amendment to reduce the price of gas. For that reason I ask that the bill may go to the committee without instruction and give all persons an opportunity who may desire to be heard on the bill.

Mr. ROBINSON of Indiana. Will the gentleman allow me to ask him a question?

Mr. BABCOCK. Certainly.

Mr. ROBINSON of Indiana. The people of the District of Columbia are interested, of course, in the price of gas. I would like to ask the gentleman if it is true, as has been stated, that the stockholders, or a majority of the stockholders, of the gas com-

pany are not likewise owners of the electric-light companies of the District? I have been told that such was the case.

Mr. BABCOCK. I understand that the electric lighting companies and eleven of the street railway companies are owned by the Washington Traction Company, a Virginia corporation. Now, who the Washington Traction Company are, or who the owners of the stock are, I can not say, but I am told that they own practically all of the stock of the two electric lighting companies and all of the street-car lines in the District of Columbia except the Pennsylvania avenue line.

Mr. ROBINSON of Indiana. I would like to ask the gentleman from Wisconsin if he can inform the House as to the selling price of the gas company's stock at the present time?

Mr. BABCOCK. I can not answer positively. It fluctuates; but the quotations are, as I understand it, from \$60 to \$65 per share.

Mr. ROBINSON of Indiana. In other words, stock having a par value of \$20 is selling at \$63 to \$65 in the market and paying 10 per cent dividends?

Mr. BABCOCK. Yes; I so understand it.

Mr. ROBINSON of Indiana. My object was to call attention to the large capitalization of these companies, the large dividends paid to their stockholders, and hope the matter will be taken under consideration when the bill is before the House, and also as to whether these companies are the same or not, as has been alleged.

Mr. BABCOCK. Mr. Speaker, I want to say to the gentleman, in the first place, that this bill is not under consideration now.

Mr. ROBINSON of Indiana. No; but it was bearing upon the question. I beg the gentleman's pardon if it is not germane.

Mr. BABCOCK. And I do not understand that there is any connection between the electric lighting companies and the gas company at present. There may be individual stockholders to a small amount, but only a very small amount, that are interested in both.

Mr. ROBINSON of Indiana. But does not the gentleman know that this bill is drawn with a view to a consolidation of all the lighting corporations in the city here?

Mr. BABCOCK. If the gentleman had listened to what I said a few moments ago he would have understood that I said that that provision was supposed to be agreeable and desirable to all interests concerned, and it only developed about the time it was called up on the floor that there was serious objection to it. I ask to have it referred to the committee myself for the purpose of striking out that very provision.

Mr. ROBINSON of Indiana. Under this system of overcapitalization, is it not the purpose of parties interested—not upon the floor of the House here—to help out the failing street-car line owners of stock by providing a system of lighting that will practically amount to a denial of justice to the people of the District of Columbia?

Mr. BABCOCK. Why, it has no connection with the street cars or with the electric lighting concerns in any way, shape, or manner, when that provision that I refer to is stricken out of the bill.

Mr. ROBINSON of Indiana. But the same corporations and individuals own a majority of the stock of these three different corporations.

Mr. BABCOCK. Oh, no; that is not correct at all.

Mr. ROBINSON of Indiana. Does the gentleman know that to be certainly incorrect?

Mr. BABCOCK. The evidence before the Committee on the District of Columbia last year showed that the Washington Traction Company owned from 90 to 100 per cent of the stock of eleven different corporations.

Mr. ROBINSON of Indiana. What help will there be for the gas consumers and the electric-light consumers of the city of Washington if there is a combination between these two companies?

Mr. BABCOCK. That has nothing to do with the question. Congress has seen fit in its wisdom to take the matter up and fix the prices to suit Congress.

Mr. ROBINSON of Indiana. But is not that the true purpose of this reorganization?

Mr. BABCOCK. Oh, no, sir; this has nothing whatever to do with the electric lines and street-car companies.

Mr. ROBINSON of Indiana. I was referring to the lighting companies in my last question.

Mr. HEPBURN. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield the floor?

Mr. HEPBURN. I want to be recognized in my own right.

The SPEAKER pro tempore. Did the Chair understand the gentleman from Wisconsin to yield the floor and reserve the remainder of his time?

Mr. BABCOCK. I desire to reserve the remainder of my time—yes, sir.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. HEPBURN. Mr. Speaker, I want to call the attention of the House to some facts in connection with this subject. I want to remind the House that on the 17th day of January a bill relating to the Washington Gaslight Company, and for other purposes, the bill that was under discussion a week ago to-day, was introduced into this House. On the 17th it was introduced; on the 19th it was reported from the committee and ordered to be printed and referred to the House Calendar.

Mr. BABCOCK. Mr. Speaker—

Mr. HEPBURN. That was on Saturday.

Mr. BABCOCK. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HEPBURN. I yield.

Mr. BABCOCK. I do not want the gentleman to make an impression upon the House which is not true. The bill referred to was introduced on the 8th of January.

Mr. HEPBURN. The bill referred to was not introduced on the 8th of January. Another bill was introduced on the 8th of January, and on the 17th day of January—here is the record—

Mr. BABCOCK. Will the gentleman permit me?

Mr. HEPBURN. Well—

Mr. BABCOCK. The gentleman is misleading and deceiving the House. That is the fact. The bill was introduced on the 8th day of January, and the bill that went in on the 17th day of January was reported as a substitute for the other bill.

Mr. HEPBURN. I am reading from the record.

Mr. BABCOCK. I am stating the fact.

Mr. HEPBURN (reading):

In the House of Representatives, January 17, 1901—

This bill was introduced. Another one was introduced on the 8th of January, and for some reason or other, known to the gentleman and not known to me, was never acted upon by the committee.

Then on the 19th it was reported to this House. That was Saturday. It was in print on Monday, and on that day the gentleman called it up. It received rough handling at the hands of this House, and the gentleman, seeing that it could not pass, moved to recommit, and it was recommitted with instructions. He knew that this provision required to be reported would not be accepted by the company beneficiary, and therefore the gentleman moved the recommitment of the bill and then the reconsideration. He tells us that it was for the purpose of eliminating certain unwholesome features from the bill; but the gentleman remembers the fact he did not get the bill back to his committee, but he lodged a motion that tied it up here in the House and prevented it getting to his committee, with those instructions; and then he introduces, or there is introduced, an entirely new bill.

Mr. BABCOCK. Mr. Speaker—

Mr. HEPBURN. The newspapers tell us that a called meeting of the committee was held on Saturday, that it reported the bill, and for the first time this morning printed bills come to our desk.

Mr. BABCOCK. Will the gentleman permit me?

Mr. HEPBURN. Certainly.

Mr. BABCOCK. The motion to reconsider was called up by me at the very first moment that I could get the floor since the motion was made.

Mr. HEPBURN. You could have had a vote when you lodged your motion.

Mr. BABCOCK. I asked the Speaker for recognition to call up this motion last week.

Mr. HEPBURN. Then the House was conversant with the subject, the House was advised, and that motion to reconsider would never have been passed by it with the men then present and understanding the situation. The gentleman is welcome to all that he can get out of that transaction. Now, Mr. Speaker, I have something to say about the merits of the new bill that is here before us. I insist that it is to flood this market with immense issues of stock by the Washington Gaslight Company, who present the bill.

Mr. BABCOCK. I make the point of order that the gentleman is not talking on the subject of the resolution, but is talking about a matter that is not before the House.

Mr. HEPBURN. Why, Mr. Speaker, it seems to me what I am saying is germane. The gentleman is trying to get rid of instructions, so that in this bill that he brings before the House to-day he can get clear from the charge of being in contempt of the House.

The SPEAKER pro tempore. The question, of course, is the recommitment of the bill; the motion to reconsider the vote to recommit.

Mr. BABCOCK. The gentleman is not talking about that.

Mr. HEPBURN. I can not say all I intend to say in one sentence. I have no doubt the gentleman would like to have me do so, but I can not do it.

The SPEAKER pro tempore. The Chair makes no ruling.

Mr. HEPBURN. "The gentleman from Iowa" will try to proceed in order.

The whole subject of gas has been discussed in this House a great many times, but not very recently. There are a number of gentlemen here who perhaps are not quite familiar with it; but gentlemen know that in the capitalization of \$1,200,000 in bonds and \$2,000,000 in stock every dollar of that is watered.

Mr. BABCOCK. If the gentleman will permit me to correct him, I will say that there is no such amount of bonds outstanding.

Mr. HEPBURN. Well, now, let us see whether there is or not. I confess that I do not regard the officers of this company as very veracious. The capitalization of this company is represented to be stocks and bonds and property, \$3,200,000.

Mr. BABCOCK. Yes, sir.

Mr. HEPBURN (reading):

What does the two million stock represent in the way of that investment, in the plant or property of the company?

A. That is the original investment, I suppose.

That is from the statement of Mr. John R. McLean, so that the capitalization is \$3,200,000.

Mr. BABCOCK. You said \$1,200,000, and there is only \$600,000 in bonds, as I understand it.

Mr. HEPBURN. Six hundred thousand in bonds and \$600,000 in certificates of indebtedness that were given to the stockholders as a gift, but upon which they are paying 6 per cent interest. It was a trick to hide the immense dividends that were being paid by this company. Now, I know what I am talking about.

Mr. BABCOCK. I have heard the gentleman repeat this same thing years ago.

Mr. HEPBURN. Yes, sir; and if you had listened it would have been better for the people of this District. I want to make another statement here, quoting from the evidence sworn to by Mr. Dodge in the presence of the gentleman from Wisconsin:

At another time they had \$700,000 in cash in the treasury in addition to their works, which had been built out of the profits.

Now, Mr. Bailey, the secretary of this company, was before the committee at a time when the gentleman from Wisconsin was a member of the committee and participated in the investigation of these witnesses.

By Mr. COOPER of Florida:

Q. Have you prepared a written statement?

A. No, sir.

Q. Then probably I had better read these questions, and you can then make your answers. The first question is, Did not the \$500,000 increase of stock under the act of 1898 issued to stockholders represent dividends or earnings of the company? I understood you to state in regard to that orally when you were before us, but there was no statement as to what that represented in your written statement?

A. Yes, sir; it represented earnings.

Q. It represented earnings?

A. Yes, sir.

Q. Now, the second question is, Did not the \$600,000 of certificates of indebtedness represent dividends or earnings of the company, and were they not issued to stockholders?

A. Yes, sir.

Now, Mr. Speaker, it is stated in that investigation that all the stock in this company, except \$42,500 of the original \$500,000, represents simply stock dividends. It has been so stated over and over and over again, and I have not a particle of doubt as to the truth of it.

Mr. SIMS. I would like to ask the gentleman from Iowa a question.

Mr. HEPBURN. Very well.

Mr. SIMS. My information is that there is no outstanding bonds. What is the gentleman reading from?

Mr. HEPBURN. I am reading from the investigation of the committee in 1894.

Mr. SIMS. I understand there are no bonds now, and only \$600,000 certificates of indebtedness outstanding.

Mr. HEPBURN. The latest report I have on the subject is a report from the Committee on the District of March 7, 1896, and I think there is no statement in that as to their bonds or stock. Now, the purpose of this motion to reconsider is to get rid of the annihilation of the other proposition, because if it goes to the committee with instructions, that is the last we shall ever hear of it, in all human probability.

Mr. BABCOCK. Oh, no. I will say to the gentleman that it will come back to the House exactly as ordered.

Mr. HEPBURN. If it does come back to the House, its conditions are such that the company will never accept it, and will never operate under it if they can avoid it, because it does require them to reduce their charges after 1902 to 90 cents, 1903 to 80 cents, and in 1904 to 75 cents. That will be the end of it, in my judgment. I do hope that the House will not reconsider this motion.

Mr. BABCOCK. Mr. Speaker, I want to say a word. I know the distinguished gentleman from Iowa [Mr. HEPBURN] would not willingly mislead a member of the House. The gentleman was correct as to the entire amount of capitalization; as he stated, it is now three million two hundred thousand, twenty-six hundred thousand of which is stock, and on which they pay a dividend of 10 per cent.



Mr. HEPBURN. Semiannually?

Mr. BABCOCK. No, annually; and 6 per cent on the bonds. Now, as to the value of the plant and what it cost, I do not see as that is material. If seventy-five years or fifty years ago these people started a gas company costing, as the gentleman says, \$42,500, and by good management they have kept pace with the growth of the city and built up a large and profitable business—for they were getting \$2.50 and \$3 for gas in those days—even when I came here they were getting \$1.50, and if you paid cash 25 cents off—

Mr. HEPBURN. That is what you have to pay now.

Mr. BABCOCK. Oh, no; it is \$1.10 now.

Mr. HEPBURN. It is \$1.25, with a rebate of 15 cents for cash payment.

Mr. BABCOCK. And on the 1st of July it will be a dollar flat. I simply want the gentleman to give the committee credit for its feeble efforts in the right direction.

Mr. HEPBURN. I will when I discover them. [Laughter.]

Mr. BABCOCK. Now, Mr. Speaker, if this company by good management—and it is in the hands of some of the best business men in the city of Washington—has been able to accumulate during the past fifty or one hundred years a capital of \$2,600,000—and the property is worth three times its present capitalization—are they to be charged with a crime?

Mr. HEPBURN. May I interrupt the gentleman?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Is it not true that this plant has been built out of the earnings and that this investment in the plant has never interrupted in any degree at any time the fair and reasonable dividends of the stockholders?

Mr. BABCOCK. I think that is true to a certain extent, but at the same time the price of gas has gone down, down, down under their management, and it was shown by actual fact that the cost of gas to the company was 68 cents a thousand distributed in the year 1895.

Now, since 1896—

Mr. HEPBURN. Is the gentleman familiar with the testimony of Mr. McIlhenny before his committee? Did not that gentleman state before the committee that the company could sell gas at \$1 a thousand and make 16 cents per thousand?

Mr. BABCOCK. Well, that would be 84 cents. I said 68 cents. I asked for a copy of the gas company's books; and I got it, under the oath of the treasurer, giving the actual facts; first, an inventory of the assets of the company on the 1st day of January, 1895, and then the total receipts during the entire year and the total expenses for 1895, and an invoice of their assets January 1, 1896. These statements were sworn to by the treasurer. They showed the coal and oil bought during the year and all other purchases. It was simply a child's work to tell what that gas cost when distributed—68 cents a thousand. But the company claimed that it cost more. We fixed the price at \$1 a thousand. Since 1896 the prices of oil and coal and of all materials entering into the manufacture or distribution of gas—gas pipes and other materials—have advanced from 50 to 200 per cent. So that if gas cost 68 cents in 1896 it would certainly cost more now than it did then.

Mr. WM. ALDEN SMITH. Is it not a fact that notwithstanding the rise in the price of iron, etc., the price of gas all over the country has steadily decreased?

Mr. BABCOCK. I think it is true that such has been the case for a great many years. But that does not alter the statement I made that the materials required by the gas company for the production of gas were at the time Congress passed the act to which I referred much lower than they are to-day. That is a fact known to everybody.

Now, as I said before, the committee has before it this question of a reduction of the price of gas, but the bill as sent back to the committee can not be intelligibly brought back to the House. Conditions have changed. Others interests have sprung up—interests opposed to the measure. And with this amendment there is only one thing for the committee to do—to take the bill back and report it again to the House exactly as it leaves it. What does that mean? It means that neither the amendment nor the bill can be adopted.

Mr. GAINES. Will you tell us why you want to combine all these companies that light the city? What reason is there for it?

Mr. BABCOCK. I will simply say to the gentleman that this is a proposition to reconsider the instructions as to the price of gas.

Mr. GAINES. I understand that; but the ulterior purpose is to pass this bill—

Mr. BABCOCK. I have repeatedly stated on the floor that that proposition to authorize the gas companies to combine with the electric lighting company was put in the bill at the request of the representatives of the electric lighting company, and it will be stricken out of any bill that may hereafter be considered or reported by the committee.

Mr. GAINES. I think you have failed to state that the people of Washington want that done.

Mr. BABCOCK. I will say to the gentleman that we have advertised our hearings. We have published the bills pending before the committee. Yet the committee has failed to get before it a single citizen of Washington asking to be heard on the subject.

Mr. GAINES. Since we had the bill before us a few days ago, I have received letters from people who know well how to write letters, although they do not sign their names—

Mr. BABCOCK. They do not sign their names!

Mr. GAINES. The letters are signed simply "A citizen of Washington," etc. I have received also several newspaper clippings protesting against the bill, and quite a number of citizens have spoken to me against it.

Mr. BABCOCK. The gentleman should understand that the bill itself is not being considered now.

Mr. GAINES. I understand that; but a vote to reconsider is practically a vote to give you an opportunity to do what you want to do.

Mr. BABCOCK. It simply sends the bill back to the committee; and when it goes to the committee it will not be brought back to the House unless the House so instructs, and if the House so instructs the committee it simply kills the whole proposition, for this House would not pass the bill, nor would it pass the gas amendment.

I hope, Mr. Speaker, that this matter will be reconsidered, so that the House may be placed in a position to consider the question fairly and with full and free discussion.

Now, Mr. Speaker, I ask the previous question. The time is getting short.

The previous question was ordered.

The SPEAKER pro tempore. The question is now on the motion of the gentleman from Wisconsin, to reconsider the vote by which House bill 13660 was recommitted to the Committee on the District of Columbia with instructions.

The question having been taken,

The SPEAKER pro tempore. The yeas appear to have it.

Mr. BABCOCK. Mr. Speaker, I ask a division.

The question was taken; and on a division there were—ayes 37, noes 56.

Mr. BABCOCK. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 103, answered "present" 8, not voting 161; as follows:

## YEAS—83

Aldrich,  
Allen, Me.  
Allen, Miss.  
Babcock,  
Bailey, Tex.  
Berry,  
Brenner,  
Bromwell,  
Brownlow,  
Butler,  
Calderhead,  
Cannox,  
Capron,  
Clayton, Ala.  
Cochrane, N. Y.  
Cooney,  
Corliss,  
Cousins,  
Cowherd,  
Crump,  
Crumpacker,

Dahle,  
Dalzell,  
Denny,  
Dick,  
Emerson,  
Esch,  
Foster,  
Gardner, N. J.  
Gaston,  
Gibson,  
Glynn,  
Gordon,  
Griffith,  
Grow,  
Hall,  
Hemenway,  
Hull,  
Jenkins,  
Jett,  
Joy,  
Kahn,

Kerr, Md.  
Ketcham,  
Knox,  
Lane,  
Latimer,  
Linney,  
Long,  
Lovering,  
Meyer, La.  
Minor,  
Mondell,  
Moody, Mass.  
Moody, Oreg.  
Mudd,  
Needham,  
Norton, Ohio  
Otey,  
Overstreet,  
Pearre,  
Rhea, Va.  
Richardson, Tenn.

Sherman,  
Sibley,  
Sims,  
Smith, Samuel W.  
Southard,  
Spalding,  
Sperry,  
Steele,  
Sulloway,  
Tawney,  
Thropp,  
Vreeland,  
Wadsworth,  
Warner,  
Watson,  
White,  
Wilson, N. Y.  
Wright,  
Young.

## NAYS—103

Adamson,  
Allen, Ky.  
Atwater,  
Bailey, Kans.  
Barber,  
Bartholdt,  
Benton,  
Bishop,  
Bowersock,  
Brantley,  
Breazeale,  
Brosius,  
Brown,  
Brundidge,  
Burke, Tex.  
Burkett,  
Burleson,  
Caldwell,  
Carmack,  
Catchings,  
Clark,  
Cochran, Mo.  
Cooper, Tex.  
Cromer,  
Crowley,  
Davenport, S. A.

Davenport, S. W.  
Davey,  
Dayton,  
De Armond,  
De Graffenreid,  
Dinsmore,  
Driscoll,  
Finley,  
Fitzgerald, Mass.  
Fox,  
Gaines,  
Gardner, Mich.  
Gill,  
Graff,  
Hamilton,  
Haugen,  
Hedge,  
Henry, Miss.  
Hepburn,  
Hitt,  
Hoffecker,  
Hopkins,  
Howard,  
Jack,  
Johnston,  
Lamb,

Lanham,  
Lawrence,  
Lester,  
Lewis,  
Littlefield,  
Lybrand,  
McCall,  
McCulloch,  
McRae,  
Maddox,  
Mann,  
Miers, Ind.  
Moon,  
Morgan,  
Morris,  
Pearson,  
Phillips,  
Prince,  
Quarles,  
Rhea, Ky.  
Richardson, Ala.  
Ridgely,  
Riordan,  
Robertson, La.  
Robinson, Ind.  
Rucker,

Ruppert,  
Ryan, N. Y.  
Ryan, Pa.  
Shackleford,  
Shaw,  
Sheppard,  
Small,  
Smith, Ill.  
Smith, Iowa  
Smith, H. C.  
Smith, Wm. Alden  
Snodgrass,  
Stark,  
Stephens, Tex.  
Stewart, N. J.  
Sutherland,  
Talbert,  
Thomas, Iowa  
Thomas, N. C.  
Tongue,  
Underwood,  
Weaver,  
Williams, Miss.  
Wilson, Idaho  
Woods.

## ANSWERED "PRESENT"—8

Barham,  
Barney,

Boutell, Ill.  
Bull,

Livingston,  
McClellan,

Metcalf,  
Stewart, Wis.

## NOT VOTING—161

Acheson,	Fleming,	Loudenslager,	Salmon,
Adams,	Fletcher,	McAleer,	Scudder,
Alexander,	Fordney,	McCleary,	Shafroth,
Baker,	Foss,	McDermott,	Shattuc,
Ball,	Fowler,	McDowell,	Shelden,
Bankhead,	Freer,	McLain,	Showalter,
Bartlett,	Gamble,	Mahon,	Slayden,
Bell,	Gayle,	Marsh,	Smith, Ky.
Bellamy,	Gilbert,	May,	Sparkman,
Bingham,	Gillet, N. Y.	Meekison,	Spight,
Boreing,	Gillett, Mass.	Mercer,	Sprague,
Boutelle, Me.	Graham,	Mesick,	Stallings,
Bradley,	Green, Pa.	Miller,	Stevens, Minn.
Brewer,	Greene, Mass.	Morrell,	Stewart, N. Y.
Brick,	Griggs,	Muller,	Stokes,
Broussard,	Grosvenor,	Napen,	Sulzer,
Burke, S. Dak.	Grout,	Neville,	Swanson,
Burleigh,	Hawley,	Newlands,	Tate,
Burnett,	Hay,	Noonan,	Taylor, Ohio
Burton,	Heatwole,	Norton, S. C.	Taylor, Ala.
Campbell,	Henry, Conn.	O'Grady,	Terry,
Chanler,	Henry, Tex.	Olmsted,	Thayer,
Clayton, N. Y.	Hill,	Otjen,	Tompkins,
Connell,	Howell,	Packer, Pa.	Turner,
Conner,	Jones, Va.	Parker, N. J.	Underhill,
Cooper, Wis.	Jones, Wash.	Payne,	Vandiver,
Cox,	Kerr, Ohio	Pearce, Mo.	Van Voorhis,
Cummings,	King,	Pierce, Tenn.	Wachter,
Curtis,	Kitchin,	Polk,	Wanger,
Cusack,	Kleberg,	Powers,	Waters,
Cushman,	Kluttz,	Pugh,	Weeks,
Davidson,	Lacey,	Ransdell,	Weymouth,
Davis,	Landis,	Ray, N. Y.	Wheeler,
Dougherty,	Lassiter,	Reeder,	Williams, J. R.
Dovener,	Lentz,	Reeves,	Williams, W. E.
Driggs,	Levy,	Rixey,	Wilson, S. C.
Eddy,	Littauer,	Robb,	Zenor,
Elliott,	Little,	Roberts,	Ziegler.
Faris,	Lloyd,	Robinson, Nebr.	
Fitzgerald, N. Y.	Lorimer,	Rodenberg,	
Fitzpatrick,	Loud,	Russell,	

So the House refused to reconsider the motion.

The following pairs were announced:

Until January 29:

Mr. GREENE of Massachusetts with Mr. MCALEER.

For this day:

Mr. MILLER with Mr. KLUTTZ.

Mr. WACHTER with Mr. BELL.

Mr. TAYLER of Ohio with Mr. SALMON.

Mr. LANDIS with Mr. ROBB.

Mr. FLETCHER with Mr. RIXEY.

Mr. GAMBLE with Mr. ROBINSON of Nebraska.

Mr. WATERS with Mr. TATE.

Mr. OLMSTED with Mr. NEWLANDS.

Mr. ALEXANDER with Mr. JAMES R. WILLIAMS.

Mr. BAKER with Mr. STOKES.

Mr. LITTAUER with Mr. THAYER.

Mr. FORDNEY with Mr. RANSDELL.

Mr. EDDY with Mr. HENRY of Texas.

Mr. CUSHMAN with Mr. HAY.

Mr. CONNELL with Mr. KLEBERG.

Mr. BURKE of South Dakota with Mr. BURNETT.

Mr. BRICK with Mr. BROUSSARD.

Mr. BOREING with Mr. SMITH of Kentucky.

Mr. ADAMS with Mr. ZENOR.

Mr. BINGHAM with Mr. BELLAMY.

Mr. MERCER with Mr. MCDERMOTT.

Mr. SHATTUC with Mr. ELLIOTT.

Mr. ACHESON with Mr. MULLER.

Mr. KERR of Ohio with Mr. CHANLER.

Mr. O'GRADY with Mr. KITCHIN.

Mr. TOMPKINS with Mr. SULZER.

Mr. GRAHAM with Mr. LLOYD.

Mr. LACEY with Mr. FITZGERALD of New York.

Mr. STEWART of New York with Mr. DRIGGS.

Mr. REEVES with Mr. SPARKMAN.

Mr. CONNER with Mr. DAVIS.

Mr. PEARCE of Missouri with Mr. JONES of Virginia.

Mr. HAWLEY with Mr. LENTZ.

Mr. JONES of Washington with Mr. MAY.

Mr. SPRAGUE with Mr. CLAYTON of New York.

Mr. HOWELL with Mr. WILLIAM E. WILLIAMS.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. REEDER with Mr. SLAYDEN.

Mr. FARIS with Mr. TAYLOR of Alabama.

Mr. CRUMP with Mr. McDOWELL.

Mr. DOVENER with Mr. NAPEN.

Mr. MARSH with Mr. NEVILLE.

Mr. BURTON with Mr. BALL.

Mr. LOUDENSLAGER with Mr. SPIGHT.

Mr. MESICK with Mr. CUMMINGS.

Mr. FREER with Mr. PIERCE of Tennessee.

Mr. BOUTELLE of Maine with Mr. BRADLEY.

Mr. RAY of New York with Mr. TERRY of Arkansas.

Mr. WRIGHT with Mr. HALL.

Mr. MAHON with Mr. CAMPBELL.

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. DAVIDSON with Mr. COX.

Mr. BURLEIGH with Mr. LASSITER.

Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.

Mr. FOWLER with Mr. BARTLETT.

Mr. LORIMER with Mr. SWANSON.

Mr. VAN VOORHIS with Mr. WILSON of South Carolina.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. WEYMOUTH with Mr. FLEMING.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

On this vote:

Mr. MCCLEARY with Mr. LITTLE.

Mr. PAYNE with Mr. BANKHEAD.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. SHOWALTER with Mr. KING.

Mr. CURTIS with Mr. GROUT.

Mr. GILBERT. Mr. Speaker, I would like to have the privilege of voting on this question. I was not present at the time my name was called, but came in during the roll call, having been at lunch.

The SPEAKER pro tempore. The Chair can not entertain the request of the gentleman under the rule.

The result of the vote was then announced as above recorded.

## METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

On motion of Mr. BABCOCK, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes, with Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of a bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.,* That section 321 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended to read as follows: "The Metropolitan police district shall comprise the entire District of Columbia, and the Commissioners of said District may divide the same into precincts or subdistricts and change them as often as they deem advisable."

SEC. 2. That section 340 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended to read as follows:

"It shall be the duty of the Commissioners of the District of Columbia to maintain a police force for the whole of said police district, authorized to do duty in any part thereof, to be known as the Metropolitan police, which force shall consist of the following officers: One major and superintendent, 1 assistant superintendent, and such number of captains, lieutenants, sergeants, privates of class 2 and class 1, and desk sergeants and others as Congress may from time to time provide."

SEC. 3. That the provisions of the act approved March 3, 1879, relating to appointments in the Metropolitan police force, be, and the same are hereby, amended to read as follows:

"All new appointments shall be made to class 1, and not then until the applicant shall have been certified to the major and superintendent as sound in body and limb and physically able to perform the duties of a private in the force after examination by the full board of police surgeons."

"The police surgeons shall establish and enumerate the several qualifications to be considered in connection with the physical examination of applicants, except that the Commissioners shall fix the limit of age and height."

"The physical examination of applicants for the force shall take place at least once in every month, the date and time to be named by the major and superintendent of police, but no application shall be considered unless the same shall have been duly filled out in the applicant's own handwriting, sworn to, and in every way conforms to the form prescribed by the Commissioners."

"All applicants who may be certified by the board of surgeons as aforesaid, before becoming eligible for appointment to the police force, shall be required to pass an examination in spelling, writing, arithmetic, writing from dictation, police manual, and practical questions pertaining to the District of Columbia, its government and institutions, before the United States Civil Service Commission, in Washington, D. C., under such regulations as may be prescribed by the Commissioners of the District, and must attain an average percentage of at least 70 in order to be qualified; and the printing necessary therefor shall be paid for from the contingent fund of the District government."

"Such examinations shall be held at least once in three months, on such date and at such time as that commission may determine."

"The Civil Service Commission, on the requisition of the major and superintendent of police, shall certify the eligible list of candidates after such examination to said major and superintendent of police, who shall select candidates for recommendation for appointment to the Commissioners from such list until the same shall be exhausted: *Provided*, That such candidates shall be of unquestioned moral character and possess the other qualifications required by law."

"Promotions from class 1 to class 2 shall be made in the order of appointment on the force, provided an intelligent attention to duty may warrant such advancement."

SEC. 4. That section 347 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended to read as follows:

"The assistant superintendent shall be the principal inspector of the police force and command it during the sickness or absence of the major and superintendent, and perform such other duties as the Commissioners may from time to time direct."

"The captains shall perform the duties of inspectors and such other duties as the Commissioners may prescribe, and will be the immediate superiors of the lieutenants."

"Desk sergeants shall perform the clerical duties at the respective station houses, and shall possess the authority of sergeants in the absence of the lieutenants or other sergeants, and be responsible for the proper keeping of the records, property, and good order at the station houses."



SEC. 5. That section 355 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, reenacted and amended to read as follows:

"No person shall be removed from the police force except on written charges preferred against him to the Commissioners and after an opportunity shall have been afforded him of being heard in his defense; and no person removed from the police force for cause shall be reappointed to any office in said force."

"When a vacancy exists in the office of captain, lieutenant, or sergeant, such fact shall be communicated by the Commissioners of the District of Columbia to the Civil Service Commission, who shall hold a competitive examination for such vacancy or vacancies within thirty days thereafter, privates of class 2 who have been such for a period of at least one year being eligible to compete in such examination for sergeants, to be examined in regard to the duties of the office for which they may be candidates, the police regulations of the District, practical questions, writing, spelling, and arithmetic."

"The applicant making the highest average percentage, his length of service, record on the force with respect to loss of time, trials for infractions of the rules, reprimands, and physical condition being considered therewith, shall be promoted to any vacancy, which promotion shall be considered permanent if after six months' probation he shall be retained in such position."

"Any vacancy or vacancies which may exist in the office of captain, lieutenant, or sergeant within six months after such examination shall be provided for from the candidates highest on the eligible list in their order of merit, as heretofore set forth."

"All certificates of eligibility for appointment and promotion shall be issued by the Civil Service Commission, the records of the police department to be consulted regarding the character and standing of applicants."

SEC. 6. That section 350 of the Revised Statutes, relating to the District of Columbia, be, and the same is hereby, amended to read as follows:

"The Commissioners shall require security to be entered into by the major and superintendent, assistant superintendent, captains, lieutenants, and all officers entrusted with the keeping of money and valuables, and shall make suitable provision therefor."

SEC. 7. That the act approved January 31, 1883, relating to compensation of detectives, be, and the same is hereby, amended to read as follows:

"The Commissioners of the District of Columbia are hereby authorized to detail, from time to time, from the privates of the police force, such number of privates as may in their judgment be necessary for special service in the detection and prevention of crime, and while serving in such capacity they shall have the rank of sergeants in the force."

SEC. 8. That the act approved February 25, 1885, pertaining to retirement of policemen and firemen, be, and the same is hereby, further amended as follows:

"Provided, That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: *Provided*, That the chief engineer of the fire department and the major and superintendent of police, assistant superintendent, captains, lieutenants, after fifteen years' service in the fire department or police force, or having been injured or having contracted disease in the line of duty, may be removed from such department or force, and shall receive an allowance equal to 50 per cent of the salary paid at the time of such removal; or, in case of death, the widow and children under 16 years of age shall be granted a sum not exceeding that aforesaid. The provisions of the act of February 25, 1885, not inconsistent with this provision shall remain in full force and effect."

SEC. 9. That section 425 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended by adding thereto the following:

"Any person practicing as a private detective, or advertising or holding himself out as such, without first complying with the provisions of law relative to private detectives, shall be guilty of a misdemeanor and subject to a fine not exceeding \$500 or imprisonment in the District jail for a period not exceeding eleven months and twenty-nine days."

SEC. 10. That the act approved June 24, 1898, relating to the posting of special policemen, be, and the same is hereby, amended as follows:

"The special policemen aforesaid shall possess all the powers and authority now conferred by law upon additional privates in the Metropolitan police force, subject to such regulations as the Commissioners of the District of Columbia may from time to time promulgate for their government."

SEC. 11. That all laws inconsistent herewith are hereby repealed.

Mr. JENKINS. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out, on page 7, commencing with the word "Provided," in line 10, all down to and including the word "aforesaid," in line 19, and insert in lieu thereof the following:

"Provided, That the chief engineer of the fire department and the superintendent, assistant superintendent, any captain or lieutenant of police, in case of retirement under the provisions of this act, shall receive relief not to exceed \$100 per month, and in case of death from such injury or disease, leaving a widow or children under 16 years of age, the same shall be for their relief."

The CHAIRMAN. Does the gentleman offer that amendment now?

Mr. JENKINS. I offer that amendment now.

The CHAIRMAN. Prior to the reading of the bill by paragraphs?

Mr. JENKINS. I understood that the bill had been read by paragraphs.

The CHAIRMAN. The bill has not been read by paragraphs. Mr. JENKINS. Then I ask unanimous consent to dispense with the reading of the bill by paragraphs.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to dispense with the reading of the bill by paragraphs and that the amendment offered be now considered. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. JENKINS. I will yield to the gentleman from Maryland [Mr. MUDD] for the purpose of offering an amendment.

Mr. MUDD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 10 by adding as follows:

"Provided, That said special policemen may, in the discretion of the Commissioners of the District of Columbia, be allowed fifteen days' annual leave of absence from their respective posts with pay, the same to be paid by the respective companies whose lines may intersect at the posts where said special policemen perform duty."

Mr. MUDD. I understand this is not objected to by the gentleman in charge of the bill.

Mr. CANNON. What does the amendment mean?

Mr. MUDD. I will state the object of this amendment in a few words. The special policemen at the street crossings are, under this bill, given practically the same powers at their respective posts of duty as the ordinary policemen who comprise the Metropolitan police force of the city of Washington under the provisions of law. The provision of the bill which has just been read on that subject says:

The special policemen aforesaid shall possess all the powers and authority now conferred by law upon additional privates in the Metropolitan police force, subject to such regulations as the Commissioners of the District of Columbia may from time to time promulgate for their government.

Under the law the other policemen of the city may be allowed twenty days' absence from their duties with pay, and this amendment provides fifteen days, not quite as much leave of absence, for these street-crossing policemen.

Mr. CANNON. Who pays this?

Mr. MUDD. They will be paid just as they are paid now. It does not change the method or amount of payment by the railroad companies.

Mr. CANNON. How are they paid now?

Mr. MUDD. Paid by the railroad companies.

Mr. CANNON. Well, why not provide that the railway companies, while they are doing a good thing, shall give all their employees, brakemen, and switchmen and others fifteen days' leave of absence with pay?

Mr. MUDD. These are not employees of the railroad company, Mr. Chairman, they are employees of the District of Columbia, but by a provision of law passed several years ago, inasmuch as their services were required at the street crossings over which the railroads go, we required the railroad companies to pay their wages. It entails no extra appropriation or expense on the railroad companies. I understand that it will be discretionary with the Commissioners as to the fact and time of taking the leave contemplated.

Mr. CANNON. But who will pay this money?

Mr. MUDD. There will be no extra money paid.

Mr. CANNON. Why not?

Mr. MUDD. They will get the same as they get now. The only question which will arise will be as to whether or not, from time to time, the District Commissioners may decide to give these special policemen this fifteen days' leave. I apprehend that it will not interfere with their work which they perform now, and it will entail no extra expense.

Mr. CANNON. I want to know who pays this money?

Mr. MUDD. The railroad companies.

Mr. CANNON. The railroad companies pay this money?

Mr. MUDD. And they pay it now.

Mr. CANNON. Suppose they kick and will not?

Mr. MUDD. Then the provision would either be inoperative or, what is more likely, the companies would have to pay for this time, but no additional amount of money would be required.

Mr. CANNON. Now, while my friend is charitable, why not provide that in the District of Columbia the street railroad companies shall give all their employees fifteen days' pay for work they do not do?

Mr. MUDD. These are not employees of the companies, in my judgment.

Mr. CANNON. I just want to see the gentleman and go him one better. [Laughter.]

Mr. MUDD. The gentleman from Illinois can always go one better than any gentleman from Maryland.

Mr. JENKINS. I want to say to the gentleman from Illinois that he has a right to be informed on this question. This amendment is not a committee amendment, but has been offered by a member of the committee, and, in charge of the bill, I do not care to make any objection whatever to the consideration of the amendment.

Mr. CANNON. Well, is my friend for the amendment?

Mr. JENKINS. I can not tell until I vote. [Laughter.]

Mr. CANNON. Oh, well, I see the amendment is not to be adopted.

Mr. MUDD. It is to be adopted if the committee takes my view of it, which I earnestly hope it will.

Mr. CANNON. And if we take the view of the other member of the committee, then it will not be. I am ready to vote.

The question was taken on the adoption of the amendment of Mr. MUDD; and the Chairman announced that the ayes seemed to have it.

Mr. CANNON. Division.

The committee divided; and there were—ayes 7, noes 18.

So the amendment was rejected.

Mr. JENKINS. I will ask for a vote on the bill, Mr. Chairman.

Mr. SHAFROTH. Before the vote on that question I would like to ask a question or two.

Mr. JENKINS. Certainly.

Mr. SHAFROTH. Does this bill provide any increase of the police force?

Mr. JENKINS. None whatever.

Mr. SHAFROTH. It is simply a reorganization into different divisions?

Mr. JENKINS. It puts into the statute book what has long been regulations governing the police force.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

Mr. JENKINS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MOODY of Massachusetts having resumed the chair as Speaker pro tempore, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12456, and had directed him to report the same with an amendment and with the recommendation that as amended the bill do pass.

Mr. JENKINS. Mr. Speaker, I ask for a vote on the amendment.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JENKINS. That closes the work on the part of the Committee on the District of Columbia, Mr. Speaker.

#### CODIFICATION OF POSTAL LAWS.

Mr. BROMWELL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill to codify the postal laws.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13423) for the codification and revision of the postal laws.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13423.

The Clerk proceeded to read the bill.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendment of the House of Representatives to the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HULL. Mr. Speaker, there was a small clerical error in the writing up of the conference report that, in the judgment of the Senate, necessitates this disagreement, and—

Mr. RICHARDSON of Tennessee. Mr. Speaker, the committee has only risen informally—

Mr. HULL. I want to ask unanimous consent to agree to the conference asked.

Mr. RICHARDSON of Tennessee. The committee has only risen informally; the Journal does not show it, and I object.

The SPEAKER pro tempore. Objection is made.

#### CODIFICATION OF POSTAL LAWS.

The committee resumed its session.

The Clerk proceeded with and completed the reading of the bill.

Mr. BARTLETT. Mr. Chairman, I call the attention of the gentleman from California to the last section. It looks awkward, and I think it does not mean exactly what the committee really intend to say. It says:

All acts of limitation, whether applicable to civil causes and proceedings, or for the recoveries of penalties or forfeitures embraced in, modified, changed, or repealed by this act, shall not be affected thereby.

It seems to me that there is something left out if it is to mean what the committee intend. As it now reads, the construction I put on it is that all the modifications which are made in this act shall not be affected by it. It begins with a new sentence and new paragraph, and either by a misprint or some other reason something is left out, as it occurs to me.

Mr. BURKE of Texas. I think if the gentleman from Georgia will read that paragraph critically he will see that it refers to where a cause of action exists under the law to-day. It says "all acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures embraced in, modified, changed," etc., shall not be affected thereby. That is, their status under the law shall not be affected by it.

Mr. BARTLETT. I know what the gentleman intends to say—that pending cases shall not be affected by this.

Mr. BURKE of Texas. Not only pending cases, but where causes of action have accrued.

Mr. BARTLETT. I understand that, but the gentleman does not say that in this section. With all due respect to the Committee on the Post-Office and Post-Roads, it occurs to me that if this section remains as it is it will put the law in the position of saying that your changes and modifications of the bill shall not change or modify the law. If the gentleman will read the clause, it occurs to me that is the construction.

Mr. BROMWELL. I will suggest to the gentleman from Georgia that his objection may be obviated by inserting, after the word "proceedings," at the end of line 11, the words "now existing," and after the word "forfeitures," in line 12, the words "in such cases or proceedings."

Mr. BARTLETT. The committee begins this provision with a distinct sentence—

Mr. BROMWELL. With the consent of the chairman of the committee, Mr. Chairman, I will offer as an amendment the insertion of the words "now existing" after the word "proceedings," which commences on line 11 and ends on line 12, page 231, and after the word "forfeiture," in line 12, the words "in such cases or proceedings."

The CHAIRMAN. The gentleman from Ohio offers the amendment which the Clerk will report.

The Clerk read as follows:

On page 221, after the word "proceedings," insert "now existing," and after the word "forfeitures" insert "in such cause or proceeding."

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I now ask to return to section 270 for the purpose of offering an amendment.

The CHAIRMAN. The Chair will ask the Clerk to call up in order all sections passed without prejudice.

The Clerk read as follows:

Page 51, section 95, insert, at the end of line 2, the following:

"Provided, That every postmaster shall have resided within the delivery of the post-office for which he is appointed for at least six months prior to his appointment."

Mr. BARTLETT. Mr. Chairman, that is the amendment pending at the time we passed that paragraph.

The CHAIRMAN. Does the gentleman from Georgia wish to be heard on the amendment?

Mr. BARTLETT. Yes. Mr. Chairman, I think this is a good amendment and ought to be embodied in the law.

Mr. BURKE of Texas. Does the gentleman from Georgia offer this as an amendment?

Mr. BARTLETT. Yes.

Mr. BURKE of Texas. The committee has no objection to it.

Mr. BARTLETT. I want to say something upon it. I do not know whether it is the experience of other gentlemen, but I have had some experience in having a postmaster imported. With this provision which already exists requiring postmasters to reside within the delivery of the office, and which should be followed by the appointing power—notwithstanding that, the Postmaster-General has recommended the appointment to one of the largest offices in my district of a man who does not reside within the delivery limits of the office, and the petition of the best people of a city of 5,000 inhabitants has been disregarded, and a man who does not live within the delivery of the office, if the Senate shall confirm the nomination, has been imported into that city and appointed postmaster.

Now, so far as I am concerned, I do not care, and I do not ask, that the postmaster appointed shall be of the same political faith that I am or of the large majority of the patrons of the office; but what I do insist upon and desire to call attention of the country to is that the Postmaster-General, with the law that has been in existence a long time, as stated by the report of this committee, with a positive provision, with a positive custom and practice that has almost grown up into law, and which we propose now to put into law, has appointed postmasters who do not reside within the delivery of the offices to which they were appointed. It is daily and continually violated in that section of the country from which I come, and the petition and the indorsements of nine-tenths of



the people who get their mail at the office, and who are interested in the proper delivery of the mail, are repudiated and turned down, and the suggestions and requests of men and persons who do not live in the locality to be affected by the appointment are taken, while the wishes of the patrons of the office are disregarded.

And the Postmaster-General, or whatever officer it may be whose duty it is to provide proper postmasters for the people, while he has lying on his desk the law providing that postmasters shall reside within the delivery limits of the office, violates that rule whenever it is his inclination or his wish to do so. Such occurrences have become so frequent in the part of the country in which I live that I have offered this amendment requiring that the postmaster shall reside within the delivery limits of the post-office at least six months prior to his appointment.

The object of the amendment is that the appointing power may not import men from other parts of the county or other parts of the State or other parts of the United States, and, against the wishes and the protest of the patrons of the office, impose such objectionable postmasters upon the people.

Mr. BROMWELL. I suggest to the gentleman from Georgia [Mr. BARTLETT] that if the rule which he advocates were insisted upon it would amount in many cases practically to a closing of the office. I have had in my own district a case where the only available place for the post-office was a railroad station. The railroad company very cheerfully furnished accommodations for the post-office in their station. There was not enough money in the position to enable the postmaster to run the office as an independent matter; but an employee of the railroad, in connection with his railroad work, was able to attend to the business of the post-office.

In such cases, of course, the station agent is liable to change from time to time, according to the requirements of the business of the railroad company; and in such cases, if it were required that the new agent should not be appointed postmaster until he had resided six months within the delivery limits of the office, the practical effect would be the closing of the office.

It seems to me that all we require on this subject is the provision of the code as we have reported it, requiring that the postmaster at the time of entering upon his duties shall be an actual resident. I submit that the requirement of six months' preliminary residence should not be insisted upon.

The question being taken on the amendment of Mr. BARTLETT, there were on a division—ayes 35, noes 45.

Mr. BARTLETT. I make the point that there is no quorum present.

The CHAIRMAN (after counting the Committee of the Whole). A count discloses the presence of 108 members. A quorum is present, and the amendment is rejected.

Mr. BARTLETT. I offer my amendment in a modified form, striking out "six months" and inserting "twelve months."

The amendment as modified was read, as follows:

At the end of line 2, page 51, insert the following:  
"Provided, That every postmaster shall have resided within the delivery of the office for which he is appointed for at least twelve months prior to his appointment."

The CHAIRMAN (Mr. LAWRENCE in the chair) (having put the question on agreeing to the amendment). The noes appear to have it.

Mr. BARTLETT. I call for tellers.

Tellers were ordered; and Mr. BARTLETT and Mr. LOUD were appointed.

The committee again divided; and the tellers reported—ayes 36, noes 56.

So the amendment was rejected.

Mr. BROMWELL. Before the Clerk resumes the reading of the bill, I ask unanimous consent that the Committee of the Whole may recur to section 149 in order that a verbal change may be made in that section, so that the language may conform to section 199, which refers to the same matter.

The CHAIRMAN. The gentleman from Ohio [Mr. BROMWELL] asks unanimous consent to recur to section 149. Is there objection?

There was no objection.

Mr. BROMWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the word "letters" in line 14, page 73, and insert "domestic matter of the first class."

The amendment was agreed to.

Mr. LOUD. Mr. Chairman, when section 114 was reached the gentleman from Ohio asked that it be passed over. There should be an amendment in that section. To obviate the objection to the section as it stands, I offer a substitute which I send to the desk. The section as embraced in the bill is the present law, but it is proper that additional words should be inserted.

The proposed substitute of Mr. LOUD was read, as follows:

SEC. 114. That the Postmaster-General, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails at the second-class rates of postage under the provisions of any act of Congress, or any news agent who distributes any of such newspapers or periodical publications under the provisions of any act of Congress, or of any employee of such publisher or news agent, stating that he will not send or knowingly permit to be sent through the mails any copy or copies of such newspaper or periodical publication except to regular bona fide subscribers thereto, or except as bona fide sample copies thereof in conformity with the postal laws and regulations, or except to fill news agents' orders, without prepayment of postage thereon at the rate of 1 cent for each 4 ounces or fractional part thereof; and if such publisher or news agent, or employee of such publisher or news agent, when required by the Postmaster-General or any inspector or other authorized officer of the Post-Office Department to make such affidavit, shall refuse so to do, and shall thereafter, without having made such affidavit, deposit any such newspapers or periodicals in the mails for transmission, he shall be punished by a fine of not more than \$1,000; and if any such person shall knowingly and willfully mail such matter without the payment of postage as provided by law, or procure the same to be done with the intent to avoid the prepayment of postage due thereon, or if any postmaster or other person connected with the postal service shall knowingly permit any such matter to be mailed without prepayment of postage as provided by law and in violation of the provisions of the same, he shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. JETT. Mr. Chairman, I would ask the chairman of the Committee on the Post-Office and Post-Roads if the amendment proposed, and which has just been read by the Clerk, changes the law in relation to this second-class mail matter?

Mr. LOUD. I do not think it does. This section, 114, was copied from a section now in the Revised Statutes. Subsequent to the passage of that act, legislation was enacted permitting the sending of sample copies, and that is all that this provision does—to permit publishers to send sample copies through the mails at the pound rate, and transient at 1 cent for each 4 ounces.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will now read the next section passed over by consent without prejudice.

The Clerk read section 221, on page 97.

The CHAIRMAN. The Clerk will read the amendment proposed to this section by the gentleman from Ohio [Mr. LENTZ].

The Clerk read as follows:

Insert, in line 25, on page 97, after the word "office," the following:

"Provided, however, That in no event shall the delivery of special-delivery letters be made by any corporation or partnership, nor in any event except by a person or persons in the direct employ and control of the Postmaster."

Mr. LOUD. It seems to me, Mr. Chairman, that if the gentleman from Ohio would change the word "and," there, to "or," it would answer the purpose better. However, I do not object to it.

Mr. LENTZ. I do not see that there can be any objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAUGEN. I understand section 152, on page 74, was passed without prejudice. I wish to offer an amendment at that point.

The CHAIRMAN. The Clerk has no such record.

Mr. HAUGEN. The amendment I wish to offer is to insert the language in line 13, so as to make it conform to the present law. I understand that this section is a radical change from the present law, requiring the publishers of weekly newspapers to pay 1 cent on each copy sent through the mails.

A MEMBER. That is a mistake.

The CHAIRMAN. Is there objection to recurring to this section?

Mr. LOUD. Mr. Chairman, I shall be compelled to object to returning to the section.

The CHAIRMAN. Objection is made, and the Clerk will proceed with the reading of the next section passed over by consent.

Mr. LENTZ. Before that, Mr. Chairman, I wish to ask the chairman of the Committee on the Post-Office and Post-Roads whether, by an oversight, his remark got in as changing the word "and" to "or" in reference to the amendment I have just offered?

Mr. LOUD. I did not insist upon it. The amendment stands as the gentleman submitted it.

Mr. LENTZ. Because I did not want any misunderstanding about it.

The CHAIRMAN. The Clerk will read the next section passed over without prejudice.

The Clerk read as follows:

Section 270 of the bill, on pages 116 and 117.

The CHAIRMAN. The Clerk will now read the amendment proposed by the gentleman from Texas [Mr. STEPHENS] to this section.

The Clerk read as follows:

On page 117 of the bill, at the end of section 270, amend by adding the following:

"That any person living on or near any star route who desires his mail deposited in a box on the line of the route by the carrier on said route may provide and erect a suitable box on the roadside, located in such manner as to be reached as conveniently as practicable by the carrier, and such person

shall file with the postmaster at the post-office to which his mail is addressed a request in writing for the delivery of his mail to the carrier on the route for deposit in said mail box, at the risk of the addressee.

"It shall be the duty of the postmaster at every such post-office, upon a written order from any person living on or near the star route, to deliver to the proper mail carrier for that route any mail matter, except registered mail, with instructions as to the proper mail box into which said mail matter shall be deposited; but no mail matter so delivered to a carrier for deposit shall be carried past another post-office on the route before being deposited in a mail box.

"The carrier on the star route shall be required to receive from any postmaster on the route any mail matter that may be intrusted to him, outside of the usual mail bag, and shall carry such mail matter to and deposit it in the proper boxes placed on the line of the route for this purpose, such service by the carrier to be without charge to the addressees.

"Every carrier of the mail shall receive any mail matter deposited in any box herein provided for, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives, and no fees shall be allowed him therefor.

"The provisions of this section relating to roadside star-route boxes shall not apply to existing star-route contracts, but all contracts hereafter made shall be made to conform with this section, and advertisements shall include the requirements herein contained."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the committee will accept the amendment, because it is drawn in accordance with the requirements of the Post-Office Department, under regulations they have made in reference to the manner of receiving mail along the star routes in different parts of the United States, and as it is a regulation and complies strictly with the orders of the Department I hope it will be accepted without further explanation.

Mr. ROBINSON of Indiana. I would like to ask the gentleman if the amendment he suggests is in the line of rural free delivery?

Mr. STEPHENS of Texas. It is practically the same thing.

Mr. ROBINSON of Indiana. Only you propose that the star-route agents or contractors shall carry this mail instead of the rural free delivery employees?

Mr. STEPHENS of Texas. That is all the difference. The mail carriers, under the regulations adopted by the Postmaster-General, are made special-delivery agents between the different routes. That is the object of the amendment.

The Postmaster-General states in his last annual report, with reference to the delivery of the mails in the large cities throughout the country, that 31,000,000 of the people of the country are reached by the city delivery system, and that 21,000,000 can be reached by a rural free-delivery system.

His statement shows that about 1,800,000 people are receiving the mails through the rural free-delivery system, at a cost of \$1,750,000, or almost \$1 for each person served by the rural free delivery.

That leaves 24,000,000 people who must be reached by the star-route service alone. These people live in thinly settled sections of the country, and the regulations that have been read to you, which constitute the amendment I have offered, permit any citizen living alone one of these routes to put a box on the roadside and have the carrier deposit his mail therein. Also, when he wishes to mail a letter, it permits him to put it in the same box. The carrier only has to stop his vehicle, unlocks the box, and carries the letter to the nearest post-office. When the carrier receives the mail from the postmaster nearest to the box, carries it to the box and leaves it there locked up. This amendment, if adopted, would carry the mail to 24,000,000 people (who can never get the benefit of the city free delivery or of the rural free delivery system) and will deliver it at or near their homes in roadside boxes. It is unjust to these people to deny them this privilege, and that is the reason why the Postmaster-General adopted the system of placing these boxes along the roadside.

I ask the adoption of this amendment because it would be a protection, in my judgment, to the mail deposited in these boxes. This amendment will provide a penalty for interfering with one of these boxes, or interfering with the mail deposited in it. Without this law the box placed by the roadside, if tampered with by some tramp or other evil-disposed person, would not be protected by the criminal law; but if we adopt this amendment the tampering with the box, or the mail therein, will become a criminal offense. I hope the amendment will be adopted.

[Here the hammer fell.]

Mr. FLYNN. I move to strike out the last word.

This morning I was left in rather an embarrassing position by the statement of the gentleman from Texas [Mr. STEPHENS], who notified me that the bill which the Speaker kindly recognized me to call up should not pass unless I would agree to strike from it a certain provision which, he charged, was more favorable to Oklahoma than to any other section of the country. There is a general law of the United States which provides that when any homesteader commutes a piece of land—which means when he pays the Government for it after fourteen months' residence, instead of remaining upon it for five years—he can go on any other public land of the United States and take a second homestead. The gentleman from Texas virtually held me by the throat this morning, pending the request for unanimous consent, and compelled me to agree to strike out the following provision, which was in the bill

as I introduced it, and as it was unanimously reported by the Committee on the Public Lands:

SEC. 4. Persons who shall have entered public lands in the Territory of Oklahoma under the homestead law and who, in perfecting title under their homestead entries, shall have paid for the land at the price per acre then fixed by law, in addition to otherwise complying with the provisions of the homestead law, shall not be thereby disqualified or prevented from making homestead entry of lands so ceded by the Wichita and affiliated bands of Indians, or by the Comanche, Kiowa, and Apache tribes, if they be otherwise qualified within the meaning of the homestead law.

That provision gives to the man who had complied with the homestead law by living on the land five years or seven years, and who then paid his money for the land, the same rights as those enjoyed by the man who lived on the land only fourteen months and then paid his money. This is the provision which the gentleman from Texas compelled me to strike out in order to try to get unanimous consent for the consideration of my bill.

But the gentleman from Texas and his constituents should be as much interested in the opening of this country as I am. They expect to go there and take land. They are welcome to it, as are the constituents of every member on this floor. But I desire to go back a little further and place the responsibility where it belongs if this legislation fails. If these intending settlers must stay camped from all parts of the country, not only all next summer, but until another Congress convenes, after the Committee on Public Lands unanimously reported the bill and after the Speaker allowed it to come up—if this bill fails I want the responsibility to rest on the shoulders of those who are to blame for it. But this is not new legislation to the gentleman from Texas.

Mr. STEPHENS of Texas. Will the gentleman permit me?

Mr. FLYNN. He knows more about this bill, or the previous bill ratifying the Kiowa and Comanche agreement, than any man who was on the conference committee, or than I myself, who was most interested in opening that land to settlement. I will now read, not from this bill, but from the bill which makes this legislation necessary, a section inserted by the gentleman from Texas that never would have been allowed to remain in that bill if any man on the floor of this House had known it was there.

That should any of said lands allotted to said Indians—

Understand, lands given to Indians—

or opened to settlement under this act contain valuable mineral deposits, such mineral deposits shall be open to location and entry under the existing mining laws of the United States upon the passage of this act, and the mineral laws of the United States are hereby extended over said lands.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order that this is not germane to the section under consideration. The CHAIRMAN. The Chair sustains the point of order.

Mr. FLYNN. I ask unanimous consent for five minutes, then.

The CHAIRMAN. The Chair will state that when a bill is being read by sections the gentleman must confine his remarks to the pending section.

Mr. FLYNN. I have asked unanimous consent for five minutes. I hope the gentleman from Texas may also be given that time to reply, if he desires, with reference to the amendment now pending, or anything else.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his time be extended for five minutes, during which time he will speak upon the section now pending. Is there objection?

There was no objection.

Mr. FLYNN. With reference to the section that is now pending and to which I just referred, I desire to state that when this provision was passed in the Kiowa and Comanche bill the gentleman from Texas [Mr. STEPHENS] telegraphed to a friend he had on that reservation that he had put that provision in the bill, to quit his job and go to the mountains to take the mineral claims. The man resigned, lost his position, and it has been necessary for the troops of the United States, by virtue of that provision, to take men and put them out of those mountains, who are going in there prospecting for mineral on Indian land. I say that the gentleman is familiar—

Mr. STEPHENS of Texas. I did not understand the gentleman's statement with reference to minerals.

Mr. FLYNN. Do you deny that you telegraphed the blacksmith at Fort Sill that you had put that provision in the bill, and that he resigned, and that you had an interest with him in the mineral claims that he was to take there?

Mr. STEPHENS of Texas. I say that you or any other man that makes that statement speaks a willful falsehood.

Mr. FLYNN. You deny it, do you?

Mr. STEPHENS of Texas. I say it is untrue.

Mr. FLYNN. All I have is the statement of the agent and parties at Fort Sill that the blacksmith told when he resigned.

Mr. STEPHENS of Texas. There is no truth in it whatever.

Mr. FLYNN. All right; I am willing to take your statement.

Mr. STEPHENS of Texas. I never heard of any such thing.

The CHAIRMAN. The Chair will state that this debate is not in order on this bill. The question is on the amendment.

Mr. ROBINSON of Indiana. I move to strike out the last two



words. I desire to offer some suggestions and to make some inquiries. I ask the attention of the gentleman from Texas [Mr. STEPHENS] upon the proposition before the House. Does his amendment make any provision for the places or sections where the routes for the rural free delivery and the star routes are along the same line, so that there may be no conflict, no double service?

Mr. STEPHENS of Texas. It would not apply where there is a rural free-delivery service. The star routes run through the thinly settled portions of the country, where there can be no rural free delivery.

Mr. ROBINSON of Indiana. I will ask the gentleman if it is not true that the star routes may cover the same territory?

Mr. STEPHENS of Texas. It may; but the boxes would not be supplied to people who are receiving free delivery.

Mr. ROBINSON of Indiana. That leaves the matter to the judgment of the Department whether they apply the free delivery or the star route to particular sections. Besides, the rural free-delivery carriers go about over the country and their routes diverge from a straight line, whereas the star routes are a straight line, as far as can be, between two points. A star-route carrier having for his object the carrying of mail between two points only could not stop from time to time to collect or deliver parcels without delay and danger to the service, nor could he go beyond his direct route. Yet if this system were once adopted, under the amendment, I fear that the rural free delivery to supply those beyond the direct star route could never be established without cutting in on the star route, which was only giving half service.

Mr. STEPHENS of Texas. There would be no clash between them at all. There would be no reason why a man should want but one service; if he could get one, he would not want the other.

Mr. ROBINSON of Indiana. What provision is made so as to segregate the territory that would be covered by the rural free delivery and by your system?

Mr. STEPHENS of Texas. Whatever the Postmaster-General himself designates. He would not supply them with both services.

Mr. ROBINSON of Indiana. But the rural free-delivery service is under the First Assistant Postmaster-General and the star routes under the Second Assistant Postmaster-General.

Mr. STEPHENS of Texas. He would abolish the star routes before he established the free-delivery service.

Mr. ROBINSON of Indiana. But you might conflict in a mile or two, or 3 miles, or 10 miles—run parallel. Let me ask if this system proposed by your amendment has received the approval of the First Assistant Postmaster-General, who has charge of the rural free delivery?

Mr. STEPHENS of Texas. It has, and he has established this system in a number of other parts of the United States.

Mr. ROBINSON of Indiana. Has he recommended this system of star-route carriers?

Mr. STEPHENS of Texas. He has established it himself.

Mr. ROBINSON of Indiana. Is not the gentleman mistaken about that? It is probably the Second Assistant Postmaster-General the gentleman refers to.

Mr. STEPHENS of Texas. It has been established in South Carolina and other portions of the country.

Mr. ROBINSON of Indiana. A year ago I received information that was to me entirely reliable, from persons who seemed to know, who said that there would be a conflict between the establishment of the star-route system and the free-delivery system if it should become general. For one, I should be very much opposed to anything that would in any way seriously cripple the rural free delivery. That is one of the most magnificent services that has been established in this country, and the rural free-delivery system is one of the best-equipped branches of the service—the carriers being walking post-offices, and their efficiency is being extended in developments and improvements.

Again, it has been shown in our presence by the arguments of gentlemen who know that the infamous system of subletting in vogue in the star-route service and the low pay the carriers of star routes get reduces the efficiency of the carrier service in this line, and this distinguishes it from the efficient rural free-delivery service.

If this star-route delivery of parcels and letters as proposed in the amendment in any way interferes with the rural free-delivery system, it is something that this House should not sanction or approve.

Mr. McRAE. In what particular can it interfere?

Mr. ROBINSON of Indiana. By the mixing of the two systems, covering the same territory, running over and doubling the same lines.

Mr. McRAE. I assert, and if the gentleman will reflect he will see, that wherever there is a rural free-delivery route there can not be a star route.

Mr. ROBINSON of Indiana. But if the star routes are to carry by the same system as that upon which the rural free delivery is based, I fear it would, and I call it to the attention of the mem-

bers of the House. It would cause an inefficient star route free-delivery service to be substituted for the superior rural free-delivery service, which no one desires, and I fear it might embarrass and destroy in some places the rural free delivery, which is a perfect system, and at the same time prevent its establishment in other places.

Mr. McRAE. There can not be any conflict between the two in sparsely settled communities, for instance, where they can not expect free rural delivery, but you can have that service where the country is thickly settled.

Mr. ROBINSON of Indiana. Will the gentleman say under the amendment that this system can only be established where rural free delivery can not be established?

Mr. STEPHENS of Texas. It has not been.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LOUD. Mr. Chairman, I only want to say to the House that this legislation, at this time and here, is unwise. The House can not properly digest it now. If such legislation shall become necessary in the future, I have no doubt such a measure will be reported and the House, after having duly considered it, would adopt it. I ask a vote on the gentleman's amendment.

Mr. STEPHENS of Texas. Will the gentleman answer a question?

Mr. LOUD. Certainly.

Mr. STEPHENS of Texas. Is not this the exact language contained in the Postmaster-General's suggestion?

Mr. LOUD. I do not know whether it is or not, and there is no man in the House that can tell.

Mr. STEPHENS of Texas. Is it not a fact that for two years I have had a bill before your committee and could not have it considered and get a report?

Mr. LOUD. Probably we have considered it unwise at this time.

Mr. STEPHENS of Texas. Is not this the only opportunity to have a vote upon this proposition?

Mr. LOUD. I do not think so. If it ought to pass, I have no doubt the House will take it up and pass it.

Mr. STEPHENS of Texas. How will we ever reach it when you will not report the bill?

The question was taken on the adoption of the amendment, and the Chairman announced that the yeas seemed to have it.

Mr. STEPHENS of Texas. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, yeas 50.

So the amendment was rejected.

Mr. LOUD. I move that the committee do now rise and report this bill to the House with the recommendation that, as amended, it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any amendments? If not they will be submitted in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the last vote was laid on the table.

THOMAS P. O'REILLY.

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 1394) for the relief of Bvt. Col. Thomas P. O'Reilly.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Thomas P. O'Reilly, late second lieutenant in the Twenty-second Infantry of the Army, a second lieutenant in the Army, and to place him upon the retired list of the Army in his late grade, the retired list being thereby increased in number to that extent.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I should like some good reason assigned why this bill should pass. It seems to me it is increasing the retired list, and ordinarily I do not favor legislation of this kind. I would like to know what reason there is for its passage at this time.

Mr. PARKER of New Jersey. Mr. Speaker, I do not usually favor such legislation. The case of Thomas P. O'Reilly is peculiar. He served through the civil war with great gallantry, and was

mustered out as major, with brevets of lieutenant-colonel and colonel. He was appointed an officer in the Regular Army and was a second lieutenant in 1872. At that time his colonel was General Stanley. His lieutenant-colonel is now Major-General Otis. Lieutenant-Colonel Otis became convinced, without reason, that Brevet Colonel O'Reilly, for he was a colonel in the war, had not been associating as he should, and wrote him a letter saying that he would not be received at his, Lieutenant-Colonel Otis's, house. The result was a correspondence in which O'Reilly indignantly denied all the rumors that had been passing about the post with reference to himself; indignantly disclaiming any action on his part that justified the action of Lieutenant-Colonel Otis. He almost insisted upon satisfaction, said that Colonel Otis must not repeat these scandals, and generally called his commanding officer to account, if I may so express it, on this subject. The latter would not take it back and there was a court-martial.

Mr. RICHARDSON of Tennessee. What time was this?

Mr. PARKER of New Jersey. Way back in 1872. It took its origin in a letter in which Lieutenant-Colonel Otis said that O'Reilly could not be received at his quarters until he took the necessary steps to refute the charges against his character. The result was a court-martial, in which the charges against Lieutenant O'Reilly were that he had told Lieutenant Campbell that the rumor in circulation was a lie, and that if Colonel Otis said he believed it, he would tell him so; that he had gone to the adjutant's office and demanded documents when he had no right to do so, and had asked to see the colonel; that he told Campbell that he desired to interview the colonel, and that he had written the department commander on the subject of Colonel Otis's behavior. Beyond all question he was very indignant. There is no doubt that in his state of indignation he behaved imprudently, and that he challenged the court itself as having been constituted by the very colonel who had made the charges against him. He insisted that they had no jurisdiction. They dismissed him from the Army.

During all this time his colonel, now General Stanley, was a great admirer of Lieutenant O'Reilly and thought he had been very hardly treated. I ask the Clerk to read, as a part of my remarks, the letter from General Stanley, printed at the bottom of page 10 in the report.

The Clerk read as follows:

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, Tex., November 11, 1887.  
His Excellency GROVER CLEVELAND, President United States:

The subject of this note, Thomas P. O'Reilly, was appointed a lieutenant in the Twenty-second Infantry in 1867, and served five years. During this period I was colonel of the Twenty-second Infantry, and for the greater portion of his service Lieutenant O'Reilly was under my immediate command.

I take pleasure in testifying that during my association with him his character as an officer and a gentleman were unexceptional. Indeed, in point of efficiency I relied upon him as one of my best officers. In the matter of the court-martial I can not speak, as I was absent on a distant expedition at the time.

Very respectfully,

D. S. STANLEY,  
Brigadier-General, U. S. A.

And I will add my testimony that socially you were a very pleasant feature in our little circle, and your cheerful, amiable temper and entertaining manner did much to brighten our life in that desolate country (Dakota). Even the memory of your hearty laugh is an antidote now for dull care.

Very truly, your friend,

Mrs. ANNA M. STANLEY,  
(Mrs. Gen. D. S. Stanley.)

Mr. RICHARDSON of Tennessee. Does the gentleman from New Jersey think this letter affords ground for the passage of this bill and for taking it up out of order?

Mr. PARKER of New Jersey. I have not finished yet. Lieutenant O'Reilly's whole life has disproved the rumor, which was entirely on social matters, and which existed about him at that time. He has been always a reputable gentleman. The accusation against him I will not go into now.

Mr. TALBERT. Will the gentleman allow me a question?

Mr. PARKER of New Jersey. I have only a few minutes. What is it?

Mr. TALBERT. I want to know what the officer has been doing since 1867—for thirty-three years?

Mr. PARKER of New Jersey. He has been working in the most honorable fashion as a private citizen. He has been appealing continually to Congress, with reports from the Senate and the House in his favor, and at last he appealed to General Otis to know whether he still stood by those charges, and on page 2 gentlemen will find a generous letter from General Otis himself:

HEADQUARTERS DEPARTMENT OF THE PACIFIC  
AND EIGHTH ARMY CORPS,  
Manila, Philippine Islands, March 15, 1900.

In the matter of the bill pending in the Fifty-sixth Congress entitled "A bill for the relief of Bvt. Col. Thomas P. O'Reilly," I desire to state the following:

That Brevet Colonel O'Reilly was dismissed from the military service in 1872, I think, on charges which I prepared and on which I requested that he be brought to trial, he being at the time a lieutenant of the Twenty-second Infantry, of which I was lieutenant-colonel; that the action taken by me was to a certain extent obligatory, made so by reports received under peculiar circumstances, which action would be repeated under like or similar condi-

tions; that the charges did not in any wise involve his official integrity or capacity as an officer of the Army, of which I entertained a high opinion.

Colonel O'Reilly was an officer of ability, had acquitted himself admirably in the civil war, and at its close was appointed to the regular establishment in recognition of his war record. His subsequent services on the Northwestern plains were most creditable, and the various staff positions he was called upon to fill showed the confidence which was placed in his military talents, industry, and honesty.

I would be much pleased to have him restored to the Army in consonance with the terms of the Congressional bill above mentioned, in recognition of the military services which he has rendered to the Government.

E. S. OTIS,

Major-General, United States Volunteers, Commanding.

In my judgment this whole matter was a mistake on the part of General Otis—a mistake which could be explained, but which perhaps had better not be on this floor. It related entirely to social matters. General Otis, then lieutenant-colonel, thought that Colonel O'Reilly had knowingly introduced at his house a person that he ought not to have introduced. Colonel O'Reilly, who was at the time lieutenant and brevet colonel, indignantly disclaimed doing anything that was not in accordance with his duty as a gentleman. It was the form of his disclaimer that resulted in the court-martial by which he was driven out of the Army.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. PARKER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT W. CALDWELL.

Mr. LENTZ. I ask unanimous consent for the present consideration of the bill (H. R. 6172) for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Robert W. Caldwell from the military service of the United States as a major of the First Regiment of Ohio Heavy Artillery Volunteers, and to issue to him an honorable discharge as of the date of said order: *Provided*, That nothing in the terms of this act shall be so construed as to entitle the said Caldwell to any pay or allowances in addition to those which he has already received.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. Let us have an explanation of the bill.

Mr. LENTZ. This bill proposes to correct the military record of Maj. Robert W. Caldwell. It has been unanimously recommended by the Military Committee of the Fifty-fifth Congress and by the same committee in this Congress. This man is now 69 years old. The bill carries nothing in the way of money. He simply wants his record corrected.

Mr. STEELE. Is this a case like that which we had before us recently, where a man had been dismissed from the service by the sentence of a court-martial?

Mr. LENTZ. This man was dismissed by the sentence of a court-martial.

Mr. STEELE. Then I object.

Mr. GROSVENOR. Let the report be read.

Mr. HULL. Allow me one moment before the objection is insisted upon. This bill does not propose to place this man on the retired list. The evidence is, in my judgment, overwhelming that he was not dealt with fairly.

Mr. GROSVENOR. When was it?

Mr. HULL. It was during the civil war. This man was stationed at Cincinnati at the time. There was a quarrel over some pay accounts more than anything else—

Mr. RICHARDSON of Tennessee. Allow me a moment. The gentleman from Iowa [Mr. HULL] is more familiar with these matters than I am. I would like him to state the distinction between this case and the one just disposed of.

Mr. HULL. This bill does not undertake, as the other bill did, to place a man on the retired list. This bill simply removes a certain stigma which has rested on this man unjustly. He is an honorable man, a prominent citizen of Ohio. On two different occasions the Committee on Military Affairs have unanimously decided that it would be only an act of justice to relieve him from the stigma that has rested upon him since the time of the war on account of the unjust action of a court-martial. I hope there will be no objection.

Mr. GROSVENOR. I do not rise to object—

The SPEAKER. Does the gentleman from Indiana [Mr. STEELE] object?

Mr. STEELE. I did.

The SPEAKER. Does the gentleman adhere to his objection?

Mr. RICHARDSON of Tennessee. I hope the gentleman will not insist on his objection.

Mr. STEELE. In view of the fact that this does not interfere with the Cœur d'Alene investigation—

Mr. RICHARDSON of Tennessee. Oh, I hope the gentleman will not retaliate if the bill is meritorious.

Mr. STEELE. I withdraw my objection.



Mr. GROSVENOR. I am not going to object, but I would like to have the first paragraph of the bill read again.

The Clerk again read the bill.

Mr. GROSVENOR. I observe that by the bill the Secretary of War is "authorized and directed." Ought the word "directed" to be in?

Mr. HULL. It is in all the bills of this class. The bill simply proposes to issue to this man an honorable discharge.

Mr. GROSVENOR. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the House proceeded to consider the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LENTZ, a motion to reconsider the last vote was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4231. An act granting a pension to Michael Ryan, alias Kennedy;

H. R. 4143. An act granting a pension to Laura V. Swearer;

H. R. 5944. An act granting an increase of pension to Jeremiah Everly;

H. R. 5969. For the relief of the devisees and legal representatives of D. L. Huskey, deceased;

H. R. 8191. An act granting an increase of pension to Adam Bieger;

H. R. 10892. An act granting an increase of pension to Phoebe Tate;

H. R. 6902. An act granting a pension to Lydia A. Tyron;

H. R. 9981. An act granting an increase of pension to Joseph Zimmerman;

H. R. 7912. An act granting an increase of pension to Harriet A. Wilson;

H. R. 10617. An act granting an increase of pension to Kate E. Duffy;

H. R. 4986. An act granting an increase of pension to William P. Aylesworth;

H. R. 10472. An act granting an increase of pension to Frank Blair;

H. R. 8418. An act granting an increase of pension to William H. Gibbs;

H. R. 7024. An act granting an increase of pension to Sarah Herrman;

H. R. 4516. An act granting an increase of pension to Burell Hinchman;

H. R. 9570. An act granting an increase of pension to Henry F. Rice;

H. R. 269. An act granting a pension to Rosa G. Thompson, formerly Rosa G. Edwards;

H. R. 4199. An act granting increase of pension to Gabriel M. Funk;

H. R. 7621. An act granting a pension to William H. Chapman;

H. R. 6623. An act granting a pension to Sarah E. Wall;

H. R. 8942. An act granting an increase of pension to Michael Howlett;

H. R. 8273. An act granting a pension to Sarah S. Hammond;

H. R. 9785. An act granting a pension to Catherine A. McClanathan;

H. R. 9378. An act granting a pension to Irving Johnson;

H. R. 8027. An act granting a pension to William R. Miller;

H. R. 10370. An act granting an increase of pension to John Kinsey;

H. R. 2656. An act granting an increase of pension to John H. Gardner;

H. R. 10482. An act granting a pension to Pattie D. McCown;

H. R. 11910. An act granting an increase of pension to Thomas H. Roberts;

H. R. 11361. An act granting a pension to Susan A. Miller;

H. R. 11785. An act to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad across the Red River of the North at Fargo, N. Dak.;

H. R. 5978. An act granting an increase of pension to Amos Van Nausdelle;

H. R. 8794. An act granting an increase of pension to Ellen H. Phillips;

H. R. 11196. An act granting an increase of pension to Louis Snyder;

H. R. 9404. An act granting a pension to Elizabeth Hendricks;

H. R. 2399. An act granting an increase of pension to Edward McDuffey;

H. R. 11057. An act granting an increase of pension to Leonhart Miller;

H. R. 9165. An act granting an increase of pension to Horace L. Stiler;

H. R. 7495. An act granting an increase of pension to Richard Holloway;

H. R. 10761. An act granting an increase of pension to Oliver H. Cram;

H. R. 10872. An act granting an increase of pension to Caroline Buehler;

H. R. 2092. An act granting an increase of pension to Madison McCollister;

H. R. 1204. An act granting a pension to Martha McSwain;

H. R. 7745. An act granting a pension to Lucinda Miller;

H. R. 5648. An act granting a pension to Mary B. Allen;

H. R. 5898. An act granting an increase of pension to George F. White;

H. R. 11574. An act granting a pension to William H. Palmer;

H. R. 7152. An act granting an increase of pension to Nancy L. Donaldson;

H. R. 12233. An act granting a pension to Ashel C. Aulick;

H. R. 10183. An act granting an increase of pension to Robert A. Reid;

H. R. 11508. An act granting a pension to George T. Boulding;

H. R. 4018. An act granting a pension to Elizabeth Dinnon;

H. R. 8679. An act granting an increase of pension to Chauncey Sheldon;

H. R. 7580. An act granting a pension to Samuel N. Haskins;

H. R. 8262. An act granting a pension to Lulu M. Jones;

H. R. 10567. An act granting a pension to Mary L. Tweedle;

H. R. 12061. An act granting an increase of pension to Henry S. Topping;

H. R. 8771. An act granting an increase of pension to Lyman A. Sayles;

H. R. 12245. An act granting an increase of pension to Henry A. Jordan;

H. R. 11198. An act granting an increase of pension to Gorton Brown;

H. R. 3609. An act granting pension to Agnes B. Hoffman;

H. R. 10784. An act granting an increase of pension to Oliva J. Baker;

H. R. 3705. An act granting a pension to Almeda Brown;

H. R. 2527. An act granting a pension to David Briggs;

H. R. 4728. An act providing for leaves of absence to certain employees of the Government;

H. R. 11096. An act granting an increase of pension to Delia E. Stillman;

H. R. 4069. An act granting a pension to Julia A. Kinkead;

H. R. 8594. An act granting a pension to Matilda Rapp;

H. R. 8535. An act granting an increase of pension to Andrew E. Dunham;

H. R. 8161. An act granting a pension to Annis Bean;

H. R. 1600. An act granting an increase of pension to Lucy B. Bryson;

H. R. 11228. An act granting an increase of pension to Smith Thompson;

H. R. 296. An act granting an increase of pension to Mattie Otis Dickinson;

H. R. 9177. An act granting an increase of pension to Luke P. Allphin;

H. R. 191. An act granting an increase of pension to Laura P. Lee;

H. R. 10639. An act granting an increase of pension to Julia A. Gilpin;

H. R. 2395. An act granting an increase of pension to Matthew McDonald;

H. R. 5189. An act granting an increase of pension to Alexander Boltin;

H. R. 236. An act granting an increase of pension to Albert M. Bennett;

H. R. 3089. An act granting an increase of pension to Kate M. Pond;

H. R. 2178. An act granting an increase of pension to James Beistle;

H. R. 6043. An act granting an increase of pension to John C. Sheuerman;

H. R. 657. An act granting a pension to Francis A. Kitchen;

H. R. 3660. An act granting an increase of pension to Franklin I. Gilbert;

H. R. 3133. An act granting a pension to Edward Hounsom;

H. R. 1604. An act granting an increase of pension to Joel H. Hollowell;

H. R. 5007. An act granting an increase of pension to Smith Miner;

H. R. 3512. An act granting a pension to Rebecca G. Irwin;

H. R. 5610. An act granting a pension to Elizabeth B. McClellan;

H. R. 9985. An act granting an increase of pension to Martin Sherwood;

H. R. 11927. An act granting a pension to Elizabeth Dickerson;

H. R. 7053. An act granting a pension to Addie S. Potter;

H. R. 4651. An act granting a pension to Emily Alder;

H. R. 4800. An act granting a pension to Joseph Crawford;  
 H. R. 11516. An act granting an increase of pension to Samuel Ryan;  
 H. R. 6810. An act granting an increase of pension to Peter Anderson;  
 H. R. 301. An act granting a pension to James T. Donaldson, jr.;  
 H. R. 4130. An act granting a pension to Mary Clark;  
 H. R. 11680. An act granting an increase of pension to Isabella Myers;  
 H. R. 4356. An act granting an increase of pension to Henry G. Bigelow;  
 H. R. 11985. An act granting an increase of pension to Henry C. Brooks;  
 H. R. 3658. An act granting a pension to Catherine Broughton;  
 H. R. 9745. An act granting a pension to Susan Sidenbender;  
 H. R. 11211. An act granting a pension to Thomas Clark;  
 H. R. 10333. An act granting a pension to Sophie de V. Barrett;  
 H. R. 3545. An act granting a pension to Ellen Hardin Walworth;  
 H. R. 9106. An act granting a pension to Nancy Marshall;  
 H. R. 5436. An act granting an increase of pension to John Abel;  
 H. R. 11091. An act granting a pension to Ambrose Brisett;  
 H. R. 4217. An act granting an increase of pension to Michael Dignon;  
 H. R. 1995. An act granting an increase of pension to Frederick O. Lathrop;  
 H. R. 2816. An act granting a pension to Annie C. Collier;  
 H. R. 9840. An act granting an increase of pension to William Snider;  
 H. R. 3956. An act granting an increase of pension to George W. Plants;  
 H. R. 4887. An act granting an increase of pension to David R. Ellis;  
 H. R. 10725. An act granting a pension to Mae Pearman; and  
 H. R. 10089. An act granting an increase of pension to Charles Forbes.  
 And then, on motion of Mr. PAYNE (at 5 o'clock and 30 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Secretary of the Interior, a recommendation relating to the use of rifles for Indian training schools—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a petition for the construction of a road at the national cemetery at Baxter Springs, Kans.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a letter from the Secretary of War recommending an increase of appropriation for subsistence of the Army for the fiscal year 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State recommending that the consulate at Marseilles, France, be raised to the rank of consulate-general—to the Committee on Foreign Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 13491) authorizing the Mount Carmel Development Company to draw water from Wabash River at Grand Rapids, Wabash County, Ill., reported the same with amendment, accompanied by a report (No. 2513); which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 13863) for the payment of travel allowances, on discharge from the Volunteer Army, to certain officers and enlisted men who reentered the military service of the United States in the Philippine Islands—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 13864) to authorize the construction of a bridge across Trail Creek, in Michigan City, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 13865) relating to the suit instituted for the protection of the interests of the United States in the Potomac River Flats—to the Committee on the District of Columbia.

Also, a bill (H. R. 13866) to provide for the proceedings for admission to the Government Hospital for the Insane in the District of Columbia in certain cases—to the Committee on the District of Columbia.

By Mr. RODENBERG: A bill (H. R. 13867) to divide the State of Illinois into judicial districts, to provide terms of court therein, and to repeal certain acts in relation to certain terms of court in that State—to the Committee on the Judiciary.

By Mr. BANKHEAD: A bill (H. R. 13868) to amend the internal-revenue law in relation to distilled spirits—to the Committee on Ways and Means.

By Mr. PEARRE: A bill (H. R. 13869) granting certain privileges to the special policemen stationed at street crossings in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. CLAYTON of New York: A bill (H. R. 13897) authorizing the Secretary of War to appoint a board of survey for Sheepshead Bay, New York—to the Committee on Rivers and Harbors.

By Mr. ESCH: A concurrent resolution of the legislature of Wisconsin, favoring S. 793—to the Committee on the Public Lands.

By Mr. OTJEN: A concurrent resolution of the legislature of Wisconsin, favoring S. 793—to the Committee on the Public Lands.

By Mr. BARTHOLDT: A joint resolution of the legislature of Missouri, favoring an appropriation to repair and improve Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. CURTIS: A concurrent resolution of the legislature of Kansas, condemning hazing at the Westpoint Military Academy—to the Committee on Military Affairs.

Also, a concurrent resolution of the legislature of the State of Kansas, favoring an appropriation for the repair and improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARBER: A bill (H. R. 13870) granting a pension to Ephraim Werkheiser—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 13871) granting a pension to W. P. Badgett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13872) granting a pension to Mary E. Cash—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: A bill (H. R. 13873) granting a pension to Gilbert P. Howe—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE (by request): A bill (H. R. 13874) granting an increase of pension to James King—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13875) granting an increase of pension to William A. Perkins—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13876) granting an increase of pension to James H. Chedister—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13877) granting a pension to Lizzie Casey—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13878) for the relief of William H. Queen, alias Henry W. Queen—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 13879) granting a pension to Mary Nagle—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 13880) granting an increase of pension to Augustus P. Bullard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13881) granting an increase of pension to James T. Gilkison—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 13882) granting a pension to Ruth A. Avery—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 13883) granting a pension to William Quinsler—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13884) granting an increase of pension to Andrew H. Gifford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13885) granting an increase of pension to John Dickey—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 13886) granting an increase of pension to James J. Eigham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13887) granting an increase of pension to William H. Prosser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13888) granting an increase of pension to John Costello—to the Committee on Invalid Pensions.



Also, a bill (H. R. 13889) granting a pension to J. H. Criswell—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 13890) for the relief of James M. Schilling—to the Committee on War Claims.

Also, a bill (H. R. 13891) for the relief of James Goodwin—to the Committee on War Claims.

Also, a bill (H. R. 13892) for the relief of Mary A. D. Badger—to the Committee on War Claims.

By Mr. SALMON: A bill (H. R. 13893) granting an increase of pension to Ira Munson—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13894) for the relief of the heirs of William Tinder, deceased—to the Committee on Claims.

By Mr. STEWART of Wisconsin: A bill (H. R. 13895) granting an increase of pension to Dr. E. M. Kanouse—to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 13896) for the relief of the estate of William J. Keith—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 13898) granting a pension to Vinson R. Prior—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 13899) granting a pension to Levi Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13900) granting a pension to Sarah Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13901) granting a pension to John Van Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13902) granting a pension to George Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13903) granting a pension to Mary A. H. Hartz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13904) granting a pension to Samuel B. Tibbets—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Cable from Frank H. Bourns, Dr. Pardo de Tavoro, Florentino Torres, Ambrosio Flares, José Ner, Tomas del Rosario, C. S. Arellano, directory of the Federal party in the Philippine Islands, addressed to the President of the Senate and Speaker of the House of Representatives, averring great improvement in conditions in the Philippine Islands, and urging that the President be clothed with authority to establish a civil government in the Philippine Islands whenever he believes it opportune—to the Committee on Insular Affairs.

By Mr. ADAMS: Petition of managers of Methodist Episcopal Orphanage of Philadelphia, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of Mary J. Clark, to accompany House bill No. 13774, granting her a pension—to the Committee on Pensions.

By Mr. BARTHOLDT: Petition of the St. Louis Chapter of the American Institute of Architects, praying for the passage of the bill to create a commission to consider improvements in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT: Resolutions of the Board of Trade of Macon, Ga., relative to the continuance of the appropriation for the fast mail service between the East and the South—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the faculty of the University of Georgia, indorsing House bill No. 11350 and Senate bill No. 4680, providing for a national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELLE of Maine: Paper to accompany House bill granting a pension to Gilbert P. Howe, of East Machias, Me.—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Petition of James King, to accompany House bill granting him an increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to William A. Perkins—to the Committee on Invalid Pensions.

Also, statement to accompany House bill correcting the military record of William Henry Queen, alias Henry W. Queen—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of citizens of Petersburg, Ill., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. COCHRANE of New York: Petition of J. T. Rivers and others, of Hudson, N. Y., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CROWLEY: Testimony to accompany House bill granting a pension to Augustus P. Bullard—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of

pension to James T. Gilkison—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of the Board of Trade of La Crosse, Wis., favoring a forest reserve and national park at Leech Lake and Chippewa Reservation—to the Committee on the Public Lands.

By Mr. FOWLER: Petition of citizens of Plainfield, N. J., in favor of the passage of Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GIBSON: Petition of Vinson R. Prior, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

Also, petition of David V. Marney, of Philadelphia, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GRIFFITH: Petition of 72 citizens of Seymour, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, papers to accompany House bill granting a pension to Ruth A. Avery—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of gaugers and storekeepers in the internal-revenue service of the Twenty-third district of Pennsylvania for sufficient appropriation to provide for them vacations without loss of pay—to the Committee on Appropriations.

Also, petition of 100 citizens of Lickingville, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILL (by request): Petition of F. N. Ferris and other citizens of Connecticut in opposition to the passage of House bill No. 12743—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLE: Resolutions of the Commercial League of Fort Smith, Ark., urging the improvement of the Arkansas River—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: Petition of citizens of New Jersey, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of New Jersey, urging the banishment of the liquor traffic in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. MOON (by request): Resolutions of the Chamber of Commerce of Chattanooga, Tenn., favoring fast-mail service between the East and the South—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petition of Mrs. George W. Ogden and other citizens of Wisconsin, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana: Petition of O. Gandy & Co., of Churubusco, Ind., favoring the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Petition of the Women's Indian Association of New Orleans, La., in favor of irrigation for the benefit of the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. SHEPPARD: Petition of Cotton Exchange and Board of Trade of Galveston, Tex., favoring certain extensions of the Weather Bureau—to the Committee on Agriculture.

By Mr. SIBLEY: Petition of 125 citizens of Bradford, Pa., urging the banishment of the liquor traffic in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. WM. ALDEN SMITH: Petition of citizens of Grand Rapids, Mich., favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, petitions of Michigan State Federation of Women's Clubs, missionary societies, and citizens of Grand Rapids, Mich., favoring uniform marriage and divorce laws, anti-polygamy amendment to the Constitution, and certain other measures—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky (by request): Petition of gaugers and storekeepers of the Fifth collection district of Kentucky, asking for vacations—to the Committee on Appropriations.

By Mr. SPERRY: Petition of the Indian Association of Guilford, Conn., relative to an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians—to the Committee on Indian Affairs.

By Mr. STEWART of New Jersey: Petition of Woman's Christian Temperance Union of New Jersey, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Paterson, N. J., urging the passage of a measure providing a permanent supply of live water for irrigating purposes for the Pima and Papago Indians in Arizona—to the Committee on Indian Affairs.

By Mr. YOUNG: Petitions of Burnham, Williams & Co. and Smith, Kline & French Company, Philadelphia, Pa., favoring the adoption of a system by which the exchangeability of the metallic currencies at the Treasury, at the will of the holder, may be maintained—to the Committee on Banking and Currency.

Also, petition of the Philadelphia Maritime Exchange, favoring the proposed establishment of a beacon light near Grubbs Landing, Delaware River, Delaware—to the Committee on Interstate and Foreign Commerce.

Also, petition of I. M. Parr & Son, Limited, Philadelphia, Pa., in relation to certain modifications of the war-revenue reduction bill—to the Committee on Ways and Means.

## SENATE.

TUESDAY, January 29, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### MISSISSIPPI RIVER COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of a letter from the Chief of Engineers, United States Army, calling attention to the importance of having printed 100 additional copies of the annual report of the Mississippi River Commission, and inclosing a draft of a joint resolution to accomplish that purpose; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

### SUSPENSION OF RULES RELATING TO WAR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army calling attention to accompanying documents relative to the suspension of certain rules relating to the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

### OSAGE INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 25th instant, a copy of a report from the Commissioner of Indian Affairs relating to leasing of grazing lands on the Osage Indian Reservation, Okla., since the 1st day of January, 1891, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### ELECTORAL VOTES OF NORTH CAROLINA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of North Carolina at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

### CREDENTIALS.

Mr. BAKER presented the credentials of Joseph Ralph Burton, chosen by the legislature of the State of Kansas a Senator from that State for the term beginning March 4, 1901; which were read, and ordered to be filed.

Mr. KYLE presented the credentials of Robert J. Gamble, chosen by the legislature of the State of South Dakota a Senator from that State for the term beginning March 4, 1901; which were read, and ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1394) for the relief of Bvt. Col. Thomas P. O'Reilly;  
A bill (S. 5583) extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.; and

A bill (S. 5585) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the House to the bill (S. 3890) granting an increase of pension to Americus V. Rice.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases

made by the Seneca Nation of New York Indians, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate to the amendment of the House of Representatives to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. BROWNLOW, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 533) to remove the charge of desertion against George J. Titcomb and to grant him an honorable discharge;

A bill (H. R. 3636) granting an increase of pension to George A. Libby;

A bill (H. R. 4020) for the relief of William Burke;

A bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

A bill (H. R. 5643) granting a pension to Elizabeth Beesley;

A bill (H. R. 9382) granting a pension to Adella M. Anthony;

A bill (H. R. 9502) granting an increase of pension to Phebe A. La Mott;

A bill (H. R. 11763) granting an increase of pension to John Walker;

A bill (H. R. 12281) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits; and

A bill (H. R. 13279) to enable the directors of Providence Hospital to increase the accommodations of that institution.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4593) for the relief of Sergt. James W. Kingon;

A bill (H. R. 6172) for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers;

A bill (H. R. 11970) to authorize the Chattahoochee and Gulf Railroad Company of Alabama to construct a bridge across the Choctawhatchee River, a navigable stream in Geneva County, Ala.;

A bill (H. R. 12284) authorizing construction of bridge;

A bill (H. R. 12456) to amend certain sections of the Revised Statutes of the United States relating to the District of Columbia as to the Metropolitan police, and for other purposes;

A bill (H. R. 12899) to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia;

A bill (H. R. 13802) supplemental to an act entitled "An act to incorporate the Reform School for Girls in the District of Columbia," approved July 9, 1888; and

A bill (H. R. 13803) to amend section 19 of chapter 252, 29 Statutes at Large, approved May 28, 1896.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 191) granting an increase of pension to Laura P. Lee;

A bill (H. R. 236) granting an increase of pension to Albert M. Bennett;

A bill (H. R. 269) granting a pension to Rosa G. Thompson, formerly Rosa G. Edwards;

A bill (H. R. 296) granting an increase of pension to Mattie Otis Dickinson;

A bill (H. R. 301) granting a pension to James T. Donaldson, jr.;

A bill (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa;

A bill (H. R. 657) granting a pension to Francis A. Kitchen;

A bill (H. R. 1204) granting a pension to Martha McSwain;

A bill (H. R. 1600) granting an increase of pension to Lucy B. Bryson;

A bill (H. R. 1604) granting an increase of pension to Joel H. Hollowell;

A bill (H. R. 1995) granting an increase of pension to Frederick O. Lathrop;

A bill (H. R. 2092) granting an increase of pension to Madison McCollister;

A bill (H. R. 2178) granting an increase of pension to James Beistle;

A bill (H. R. 2395) granting an increase of pension to Matthew McDonald;

A bill (H. R. 2399) granting an increase of pension to Edward McDuffey;